



MEMORANDUM

TO: Mayor and City Council

FROM: Rebecca Giello, Interim Director 
Economic Development Department

DATE: June 4, 2019

SUBJECT: Amplified Sound Compatibility Staff Recommendations: Resolution No. 20181018-038

The purpose of this memorandum is to provide the Amplified Sound Compatibility Engagement report responsive to Resolution No. 20181018-038. The resolution directed City staff to propose programs, rules, and ordinances necessary to improve compatibility between residents, lodging establishments, and music-related businesses so that they may co-exist peacefully and amicably share in Austin's world-renowned night-time economy and to help live music venues and their communities to grow and prosper together. Staff was also directed to consider stakeholder suggestions, including those found in Exhibits to the Resolution and other recommendations identified during the stakeholder feedback process.

The Economic Development Department's Music & Entertainment Division (MED) initiated the Entertainment & Amplified Sound Community Engagement in November 2018. This effort included series of community engagement events and focus group meetings with four stakeholder groups: Residents; Entertainment & Live Music Venues; Hotels; and Developers. Meetings garnered new ideas and feedback for solutions to supplement already proposed ideas during previous community engagements and from Exhibits to the Resolution 20181018-038. Four key themes emerged reflecting stakeholder priority areas for nightlife compatibility:

- **Agent of Change:** Develop local policies for promoting future compatibility between Austinites and the growing nightlife economy.
- **Compliance & Enforcement:** Improve consistent enforcement of the sound ordinance to promote ongoing compliance.
- **Sound Standards, Monitoring & Mitigation:** Research and establish amplified sound standards for low frequency bass, increase publicly accessible and real-time sound monitoring, and increase City-led mitigation testing and efforts.
- **Stakeholder Partnerships:** Build on the success of the Red River Extended Hours Pilot, where venues and residents successfully worked together on agreements and self-regulation, while also including other community-led groups as problem solvers and advocates.

A detailed timeline and accounting of these efforts is included in MED's *Stakeholder Feedback Summary Report, May 2019* (See Attachment A).

In December 2018, the Economic Development Department engaged the Responsible Hospitality Institute (RHI) as the subject matter expert to conduct a detailed analysis of the four key theme areas while considering stakeholder input, best practices, and current City processes and policies. The resulting RHI Action Report May 2019 provides stakeholder-informed solutions in each of the key priority areas that have been vetted by the applicable City Departments to ensure feasibility and budget and governance impacts. (Attachment B).

With the consultant's recommendations, EDD staff met with internal stakeholders to identify next steps in a Strategic Implementation Plan. All immediate steps are administrative. Staff will not require policy direction or action until after the outlined immediate steps have occurred. The following recommended actions are sourced from the two reports referenced above and are listed in order of next steps to three future horizons not bound by specific increments of time. This approach represents stakeholder consensus for the need for thorough documentation and data informed discussion before any policy action:

IMMEDIATE NEXT STEPS:

The following solutions are already budgeted through existing resources and are underway or under immediate development:

- **Acoustical Engineering Study**: Commission acoustical study to be conducted in coordination with Amplified Sound Engagement Stakeholders to determine potential dBC (bass) limits and application. Additional sound monitors, including permanently placed networks with publicly-assessable data will be utilized to collect data at peak activity times.
- **Sound Monitoring System Upgrade**: Work with current sound monitoring City vendor to lease and test permanently placed monitoring networks in key areas for ongoing data collection that's accessible to the public.
- **Improve Current Enforcement Procedures**: Before implementing any new policy around the RHI recommendations, improvements to current enforcement procedures must occur to ensure increased and ongoing compliance of existing amplified sound codes and Sound Impact Plans included with Outdoor Music Venue permits.
 - ♦ MED is coordinating with Austin Police Department (APD), Development Services Department (DSD), and Austin Municipal Court on new collaborative procedures and training for Sworn and Non-Sworn City Employees to issue citations to non-compliant businesses through the municipal affidavit process. This process is already utilized by Staff for other City citations and has proven more effective in achieving ongoing compliance to City code.
 - ♦ Any new collaborative procedure for enforcement requires Director Approval from each affected Department, and budget impacts include overtime expenses for APD and Municipal Liaison services costs for DSD.

- **Agent of Change Interdepartmental Engagement Timeline:** Agent of Change compatibility policies apply to the responsible parties for new uses and their impacts within established areas. To form appropriate policies in Austin, staff will launch a new engagement timeline with DSD. EDD and DSD stakeholders will meet to discuss and draft policies for consideration with the 2021 International Building Code adoption in Spring 2020.
- **Creative Space Assistance Program:** Staff will administer contracts for implemented grant program for live music venues facing displacement due to amplified sound issues. The 2019 application process has closed; awards will be announced in early July 2019. Funding is sourced from a one-time allocation from 2018-2019.
- **Sound Mitigation Solutions Testing:** Staff will begin to test mitigation solutions and collect data to determine the most effective tools for managing entertainment and live music venue sound impact. This data will inform City investment into loan and grant programs for sound impact mitigation.
- **Music & Entertainment Industry Assessment:** EDD is preparing a Request for Proposal (RFP) to update the 2014 Music Census. The focus is on broad outreach and collecting additional data concerning cross-over creative occupations in other Austin-area creative industries including Film / TV / Digital Media Production and Video Game Production.

FUTURE ACTIONS:

- **Draft Agent of Change Policy:** City staff will draft Agent of Change policy language in coordination with DSD and interdepartmental community stakeholders by Spring 2020 as part of the City's 2021 International Building Code update. Staff anticipates bringing this policy to Council for review and approval in 2019.
- **Amplified Sound Permitting & Enforcement Consolidation:** During the FY 20-21 Budget process, EDD will explore governance opportunities that can position the Entertainment Services Group for optimized coordination and response of amplified sound permitting and enforcement.
- **Sound Mitigation Assistance Program:** Staff will provide Council with a proposed financial assistance program (i.e. rebates, loans, grants) for venues—and potentially residents—to assist with sound mitigation improvements in support of any new Agent of Change policies and/or sound standards. Per the new Economic Development Policy of 2018, staff will bring forward the proposed program guidelines for review and Council approval.
- **Third-Party Partner:** Based on data from completed Music & Entertainment Industry Assessment, EDD staff is recommending establishing role and responsibilities for a third-party partner to the Music & Entertainment Division that provides comprehensive service delivery, including educational and best practice information to all sectors of the Austin area music industry.
- **Sound Ordinance Revision:** Staff will recommend updates to the Sound Ordinance based on the results of the Acoustical Engineering Study and community stakeholder feedback. A consideration will be to evaluate outcomes for one-year to determine if any adjustments should be made to City Code.

- **Sound Mitigation Finance Program**: Upon Council approval of Sound Ordinance revisions, staff will develop administrative rules and resources to launch financing programs that align with any change in City Code around Amplified Sound Compatibility Recommendations.
- **Agent of Change Outreach & Education**: In coordination with other impacted City Departments, staff will create and promote education programs for development and redevelopment projects to align with any implemented Agent of Change policies.

For additional information please contact me at 512-974-3045 or Acting Assistant Director David Colligan at 512-974-6381.

Attachment

xc: Spencer Cronk, City Manager
Elaine Hart, Deputy City Manager
J. Rodney Gonzales, Assistant City Manager

ACTION REPORT

Entertainment & Amplified Sound Compatibility Engagement

May 29, 2019

RESPONSIBLE HOSPITALITY INSTITUTE

Authored by:

Jocelyn Kane | Jocelyn@rhiweb.org

Alicia Scholer | Alicia@rhiweb.org



AUSTIN, TEXAS

Entertainment & Amplified Sound Compatibility Engagement

Prepared by Responsible Hospitality Institute

Contents

A COMMON CHORD ON SOUND MANAGEMENT IN A MUSIC CITY.....	1
SNAPSHOT OF RECOMMENDATIONS	1
THE PROCESS	2
BACKGROUND	2
Project Directive	2
Objectives	2
Stakeholder-Informed Engagement Process	2
RHI As Subject Matter Expert	2
TIMELINE	3
Engagement #1: November 2018	3
Engagement #2: December 2018	3
Engagement #3: January-February 2019	3
Engagement #4: April 2019	3
RECOMMENDATION	4
COMPLIANCE/PERMITTING & ENFORCEMENT.....	4
▪ Move ESG out of EDD’s Music and Entertainment Division.....	4
▪ Centralize OMV Administration and Enforcement in ESG	4
RECOMMENDATION	8
SOUND STANDARDS, MONITORING & MITIGATION	8
▪ Update Sound Code.....	8
▪ Support New and Current Sound Mitigation Programs	8
FOR FUTURE CONSIDERATION	10
RECOMMENDATION	13
AGENT OF CHANGE	13
▪ Develop Agent of Change Legislation	13
▪ Develop New Building Standards for 2021 Building Code Adoption Package	13

RECOMMENDATION17

STAKEHOLDER PARTNERSHIPS17

 ▪ Create a Nighttime Economy Alliance 17

BACKGROUND.....18

ROLE OF AUSTIN MUNICIPAL DEPARTMENTS IN SOUND MANAGEMENT.....18

 Entertainment Services Group (ESG)..... 18

 Role In Nightlife Sound Management 18

OUTDOOR MUSIC VENUE (OMV)PERMIT19

 Multi-Agency Approach 19

 Enforcement..... 19

 Sound Complaints and Enforcement Options 20

 Process For Sound Citations..... 20

SOUND STANDARDS21

 Current Sound Ordinance 21

 Sound Monitoring..... 21

 Proactive Sound Mitigation Programs 21

AGENT OF CHANGE22

 Application in Austin 22

 Gaps In City And State Building Codes..... 22

 Other Cities’ Legislative Approaches..... 22

STAKEHOLDER PARTNERSHIPS.....23

 Red River Extended Hours Pilot A Model For Success 23

 Best Practice Models 23

GLOSSARY OF TERMS24

A COMMON CHORD ON SOUND MANAGEMENT IN A MUSIC CITY

Sound surrounds us with few moments of silence. Continued intensity of sound can have impacts on our health and well-being.

City planners throughout the world seek solutions to maintain a balance between the demand for 24/7 social options and residents and hotel visitors who desire a separation from the sound on the street and their private living space.

Austin, as the Live Music Capital of the World, is among these cities.

Engagement with key stakeholders to find common ground and workable solutions has resulted in an action plan to remove barriers and achieve balance in Austin’s urban life.

SNAPSHOT OF RECOMMENDATIONS

Compliance/Permitting and Enforcement	<ol style="list-style-type: none"> 1. Move Entertainment Services Group (ESG) out of The Economic Development Department’s Music & Entertainment Division (MED) 2. Centralize Outdoor Music Venue Permit (OMV) administration and enforcement in ESG
Sound Standards, Monitoring and Mitigation	<ol style="list-style-type: none"> 1. Update sound code 2. Support new and current sound mitigation programs
Agent of Change	<ol style="list-style-type: none"> 1. Develop Agent of Change policy 2. Develop new building standards for 2021 building code adoption package
Stakeholder Partnerships	<ol style="list-style-type: none"> 1. Create a Nighttime Economy Alliance

THE PROCESS

BACKGROUND

On October 18, 2018, Austin City Council passed Resolution 20181018-038, which directed the City Manager to propose programs, rules and ordinances necessary to achieve the following directive and objectives.

PROJECT DIRECTIVE

Determine policy recommendations from facilitated stakeholder engagement to pinpoint common ground based on stakeholder and public feedback.

OBJECTIVES

- Improve compatibility between residents, lodging establishments and music-related businesses.
- Achieve peaceful co-existence so diverse stakeholders can amicably share in Austin's world-renowned nighttime economy.
- Help live music and entertainment venues and their communities to grow and prosper together.

STAKEHOLDER-INFORMED ENGAGEMENT PROCESS

The Council directed the City Manager to consider stakeholder suggestions and return with a stakeholder-informed proposal within 120 days.

The City of Austin Music & Entertainment Division (MED), located within the Economic Development Department, conducted and facilitated stakeholder meetings beginning November 2018 through April 2019 to gather input and priorities.

MED facilitated the outreach and management of a stakeholder engagement process via a series of onsite meetings and the use of an online survey tool.

Participants

City staff facilitated engagement meetings with stakeholders (defined as residents, developers, lodging establishments and music-related businesses) and subject matter experts, while gathering online input and feedback from the broader public.

RHI AS SUBJECT MATTER EXPERT

Project consultant Responsible Hospitality Institute (RHI) was hired as a subject matter expert based on 30+ years of experience assisting municipal governments around issues of sociability, quality of life and nighttime economy management. RHI also has an extensive history of involvement with the city of Austin and its nighttime economy:

- RHI conducted a Hospitality Zone Assessment of the Sixth Street Historic and Entertainment District between December 2008 and August 2009.
- RHI hosted a Networking Conference in 2009 and a Sociable City Leadership Summit in 2017.
- Austin, TX representatives have consistently attended and presented at RHI events since 2005.

RHI senior consultant, Jocelyn Kane, former Executive Director of the San Francisco Entertainment Commission, was invited to contribute to the project in the form of policy analysis and discussions with municipal department staff regarding feasibility of ideas proposed by the city's stakeholder engagement process. Kane was instrumental in developing sound policies for the city of San Francisco's entertainment venues, as well as implementation of Agent of Change policy. Her extensive experience in sound mitigation and overall nighttime economy planning made her an asset to the city's project.

TIMELINE

ENGAGEMENT #1: NOVEMBER 2018

MED convened stakeholders at Austin City Hall to view and provide questions to an online panel of experts from Toronto, San Francisco, and Brisbane, Australia to discuss nightlife compatibility issues in their cities.

ENGAGEMENT #2: DECEMBER 2018

MED invited attendees to this listening session, which was facilitated by Jocelyn Kane. The City recorded outcomes in order to glean common themes and solutions that emerged from discussion.

The following four high-level themes were identified by MED:

1. Compliance/Permitting & Enforcement: Improve and provide consistent enforcement of the sound ordinance and permits.
2. Sound Standards, Monitoring & Mitigation: Establish amplified sound standards for all venues, increase publicly accessible and real-time sound monitoring, and increase City-led mitigation testing and efforts.
3. Agent of Change: Enact legislation that requires developers of new uses in certain areas to build to new standards, disclose potential conflicting uses within a prescribed radius, and encourage communication between uses from the earliest possible stage of development.
4. Stakeholder Partnerships: Build on success of Red River Extended Hours Pilot Program, where venues and residents successfully worked together on agreements and self-regulation, while also considering other community-led groups to serve as problem solvers and advocates.

ENGAGEMENT #3: JANUARY-FEBRUARY 2019

RHI met with a variety of internal stakeholders, specifically Austin Police Department, Law Department, Development Services Department (DSD) including the Building Official, Austin Code Department, Economic Development Department (EDD), Music and Entertainment Division (MED) and Entertainment Services Group (ESG), and City Manager's office. These meetings, combined with the city-led community engagements, have yielded solutions in the four issue areas outlined above.

City Staff facilitated a discussion using a solutions matrix and survey results collected in the weeks prior to the meeting (Jan 18-Feb 1, 2019.) There were 155 responses total. (See survey responses and solutions matrix.)

The results of the survey will be indicated throughout this report in support of recommendations where appropriate.

Using the solutions matrix and the four issue areas, this report will discuss the solutions, the viability of options, and recommend the ones that are highly supported by the stakeholder survey and also supported by internal city departments. Additional recommendations based on RHI's subject matter expertise will also be put forward for consideration.

ENGAGEMENT #4: APRIL 2019

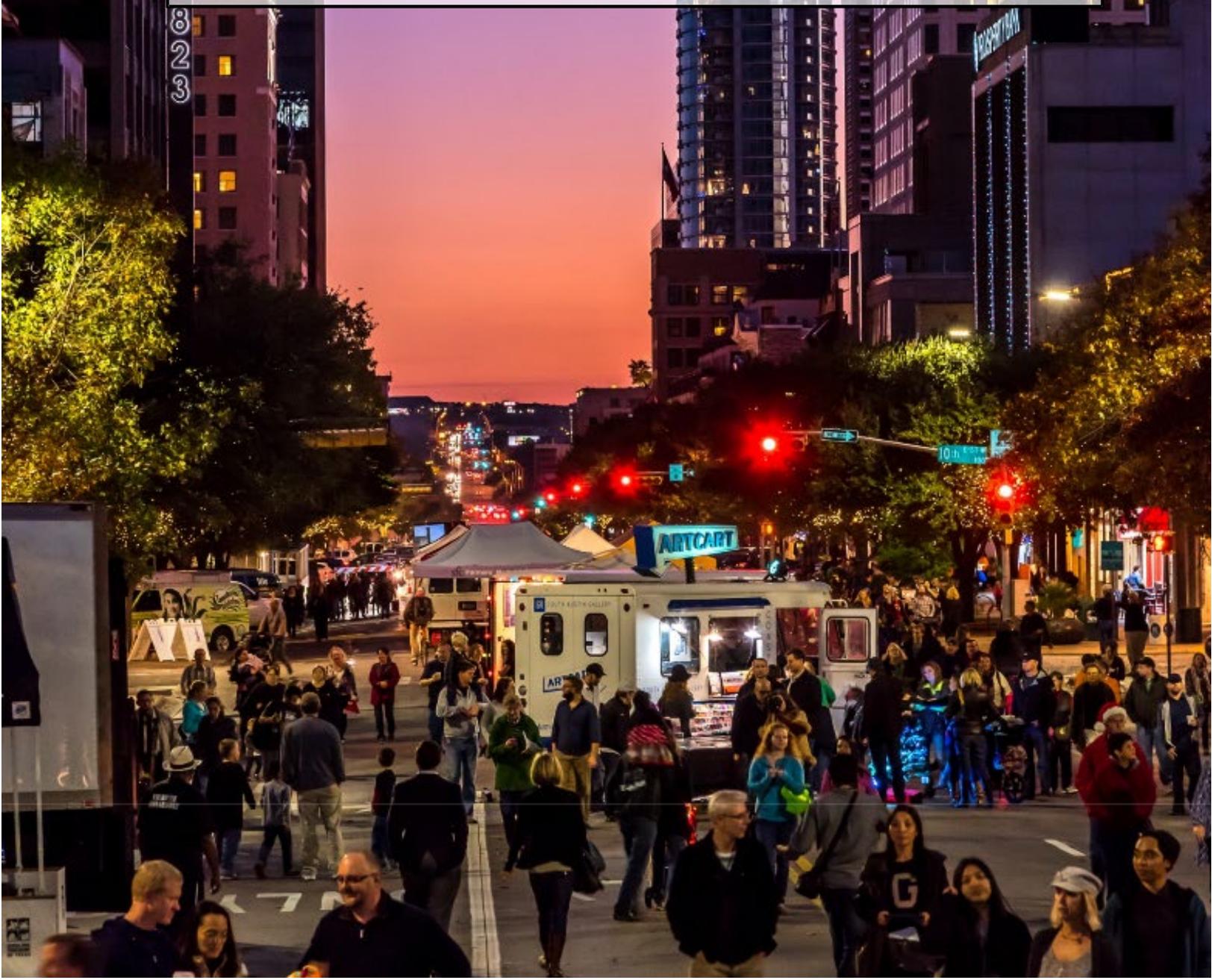
RHI Consultant Jocelyn Kane presented recommendations from the draft RHI Report to community stakeholders for final feedback during the fourth MED coordinated community engagement meeting on April 13th at City Hall.

RECOMMENDATION

COMPLIANCE/PERMITTING & ENFORCEMENT

This section examines suggested improvements for how amplified music generated from commercial venues (indoor and outdoor) can be handled by the City of Austin through permits, compliance activities and enforcement.

- **MOVE ESG OUT OF EDD'S MUSIC AND ENTERTAINMENT DIVISION**
- **CENTRALIZE OMV ADMINISTRATION AND ENFORCEMENT IN ESG**



MOVE ESG OFFICE OUT OF MED

GOAL

- Address perceptions about a conflict of interest by moving ESG into a different department perceived as neutral.
- Separate duties between ESG's regulatory role and EDD's economic development role.

CHALLENGES

What challenges will this suggested action item address?

- ESG is currently housed within the Music & Entertainment Division (MED) of the City's Economic Development Department (EDD). The role of EDD is to facilitate and foster economic development, including the live music and entertainment industry. Because of EDD's role, the community's perception is that the agency responsible for regulating venue permits (ESG) should not be the same agency that spends tax dollars on supporting venues (EDD).

STEPS

- Officially move ESG's responsibilities to a City department that is tasked with responsibilities unrelated to facilitating and fostering industry.
- The department should also maintain and enhance ESG's collaborative relationships with other City departments that have a role in managing nightlife so the group can serve as an effective liaison between nightlife stakeholders and City departments.
- Consider locating ESG under the same leadership as the Austin Center for Events (ACE) in the City Manager's Office to enhance efficiency and effectiveness of managing nightlife by taking advantage of the existing relationship between multiple City departments for special events.

BENEFITS

- ESG is currently physically housed within the Austin Center for Events (ACE) suite where several of the departments that have a review or permitting role for special events are co-located. This makes the organizational structure move under the same leadership as ACE convenient. ESG staff will also continue to have easy access to the various inter-departmental staff for collaboration and coordination of nightlife and permitting related-issues. This will also improve the relationship between ESG and stakeholders.

CENTRALIZE OMV ADMINISTRATION AND ENFORCEMENT IN ESG

CURRENT PROCESS

- ❑ Development Services Department (DSD) issues the Outdoor Music Venue (OMV) permit and is responsible for suspensions and revocations.
- ❑ ESG reviews OMV applications, investigates applications, recommends approval or denial and appropriate restrictions and conditions for the permit, establishes a relationship with venues, and is in charge of monitoring for compliance.
- ❑ APD enforces the OMV permit requirements and general sound requirements. Enforcement includes citations to Municipal Court.

GOALS

- ❑ Centralize key functions related to OMV permits within one department. These key functions would include acting as a resource for sound issues, issuing OMV permits, and enforcing OMV permit requirements.
- ❑ Establish processes and systems that allow for consistent enforcement of OMV permit requirements.
- ❑ Achieve greater compliance with OMV permit requirements.
- ❑ Hold venue owners responsible for OMV permit violations.

CHALLENGES

What challenges will this suggested action item address?

- ❑ Inefficient Approach to Permitting that Divides Roles and Responsibilities into Multiple Agencies. The division of responsibilities is inefficient and does not allow for the subject matter experts to issue OMVs or to handle suspension or revocations. The department accountable for permit suspension and revocation (DSD) is separate from the department with a relationship with the venue and that is responsible for developing the permit conditions as well as monitoring compliance (ESG).
- ❑ Gap in Implementation of Suspension and Revocation Process. Currently there is not a robust system to document violations and DSD has not implemented a permit suspension to date. Meanwhile, ESG's effectiveness is limited without the authority to suspend or revoke OMV permits. ESG can only seek voluntary compliance with a violation to a Sound Impact Plan or to the city's sound ordinance. ESG must route unresolved complaints to APD.
- ❑ Enforcement of sound violations is unpredictable by Austin Police Department (APD) because a sound violation-related call for service competes with calls for service that involve violence, injury, and other similar circumstances. Additionally, APD does not have dedicated officers to support sound enforcement at night.
- ❑ Current City Code requirements does not place the burden of compliance on venue owners, which all involved believe should be the case. The current process requires a citation be issued to a person on premises that is responsible for the violation. In practice, this may be the arrest of a low-level employee or a manager, and not the owner of a venue who has responsibility for the operation.
- ❑ Inconsistent enforcement encourages non-compliance with City Code and sound impact plans.



Photo: Michael Knox

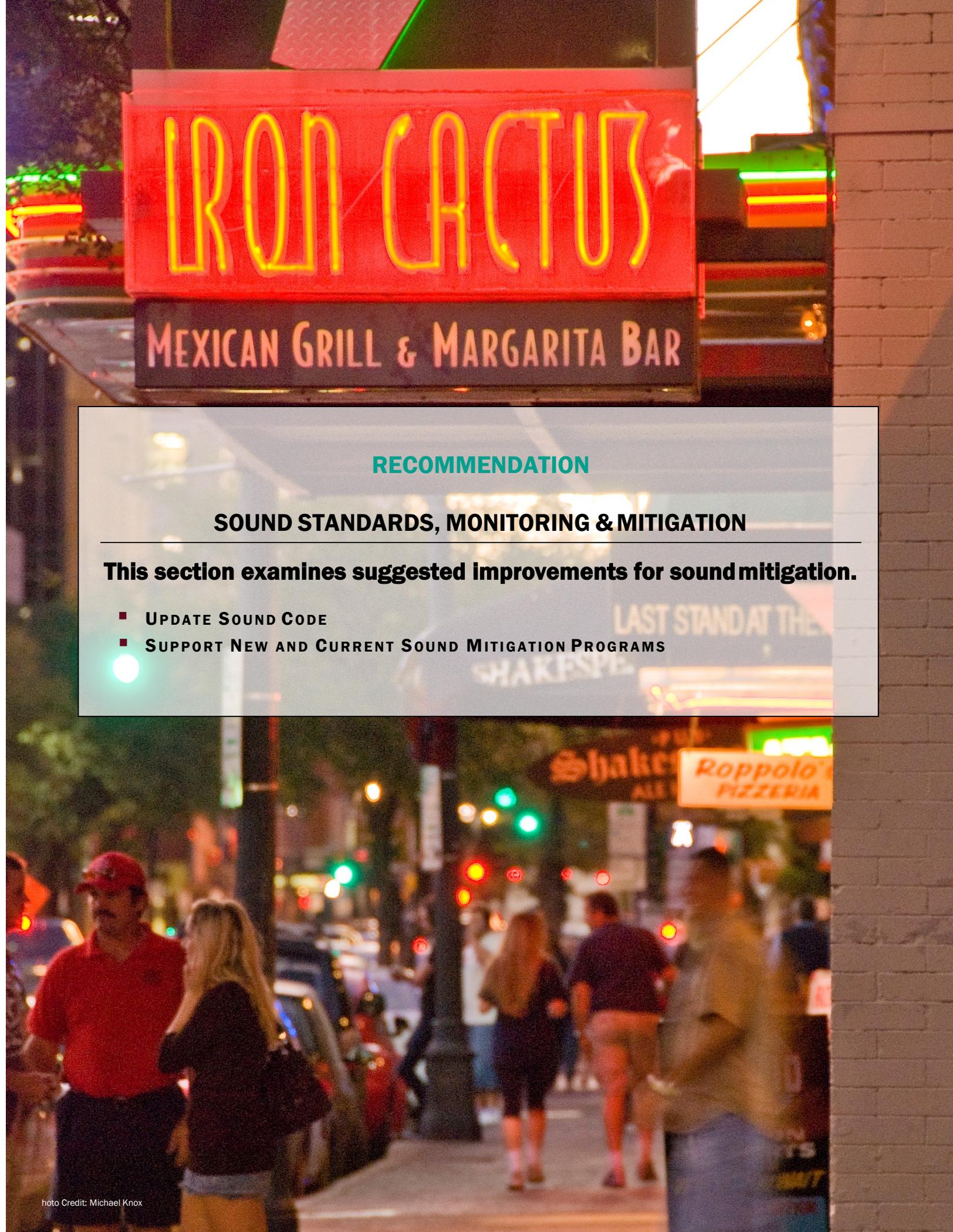
STEPS

- ▣ Transfer DSD's OMV permitting responsibility to ESG. According to the survey conducted by EDD, 78% of respondents agree with this recommendation.
 - There is no code change required to transfer responsibility for issuing OMV from DSD to ESG, as the City Manager may simply make this administrative change.
 - Permit fees cover the cost of service for the permit and could still be cashiered at DSD if necessary. DSD will continue to review applications for land use and zoning if needed, but the responsible agency would be ESG.
 - If the City Code is changed, notices and appeals process used by ACE could be replicated by ESG.
- ▣ Streamline OMV
 - Issue the permit for two years as opposed to an annual renewal.
 - Explore possible annual requirements as a consequence for repeat complaints or issues that are validated.

Fund additional ESG employees to handle enforcement issues, including filing cases at Municipal Court using the affidavit process. ESG already has staff working nighttime hours as regular shifts, not overtime. A majority of survey respondents agree that dedicated resources for enforcement activity should be increased, and the City should explore the feasibility of funding sound enforcement staff within ESG, as opposed to in another department.

PROPOSED PROCESS USING ESG STAFF

- ▣ ESG would be notified when a complaint is received and would respond to investigate whether the complaint is valid. If the complaint is valid (and a violation exists), ESG would issue a Notice of Violation (NOV) that describes the violation, required corrective action(s), timeframe for compliance, and consequences for failing to correct the violation. This could include permit-related violations, operating without a permit, and general sound violations. If ESG staff determine that the venue owner failed to correct the violation (or another complaint for the same issue is validated), then ESG staff can file a case at Municipal Court using the affidavit process. Once the case is filed, the Municipal Court would notify the venue owner (defendant) and the criminal court process would begin.
- ▣ This process allows for ESG staff to safely begin an enforcement process without requiring confrontation. They can observe a violation and use the Notice of Violation to begin the enforcement process.
- ▣ The affidavit process can also be utilized when a venue operates without a permit (failure to apply or permit was revoked) or a venue operates even though its permit is suspended. Additionally, it could be utilized when an indoor venue operates in a manner that violates the sound ordinance.
- ▣ This proposed process can be utilized for each valid complaint. While not an instant fix, it can be repeated as many times as necessary to gain compliance. This replicates much of what happens routinely at Austin Code Department, as well as other city departments, including Austin Resource Recovery, Austin Public Health and the Parks and Recreation Department. As venues understand the consequence of breaking the sound ordinance repeatedly, they will most likely follow the rules and let their peers know that the City is serious about regulating sound. It is anticipated that consistent use of this process will encourage compliance with City Code requirements.



IRON CACTUS

MEXICAN GRILL & MARGARITA BAR

RECOMMENDATION

SOUND STANDARDS, MONITORING & MITIGATION

This section examines suggested improvements for sound mitigation.

- **UPDATE SOUND CODE**
- **SUPPORT NEW AND CURRENT SOUND MITIGATION PROGRAMS**

UPDATE SOUND CODE

GOAL

Establish a clearer set of noise and amplified sound requirements for all venues (and venue owners) that utilize amplified sound.

CURRENT PROCESS

A decibel (dB) is a unit of measurement for sound. There are different filters to measure dB frequencies. An A filter (dBA) measures most sounds that are detectable by the human ear. On the other hand, a C filter (dBC) measures lower frequency sounds that are often described as “feeling the vibration” of sound, particularly bass sounds. This is important as sound codes typically only measure dBA, while bass (dBC) sounds can actually be equally or more disruptive to quality of life.

Outdoor venues’ dBC levels are currently dictated through sound impact plans. Indoor venues that use amplified sound are not required to abide by any additional sound restrictions other than the citywide sound restriction of 85 dBA. Most indoor venues operate significantly lower than 85 dBA at the property line and do not create a sound impact for nearby residents. City Code Chapter 9-2 (Noise and Amplified Sound) includes both permitting requirements and basic noise limitations. This combination of issues creates confusion among venue owners, residents, and City staff.

CHALLENGES

What challenges will this suggested action item address?

- ❑ The lack of a dBC (or other low frequency sound) limit in the City Code.
- ❑ Indoor venues that utilize amplified sound but are not constructed in a manner that reduces the impacts from low frequency on nearby residents.
- ❑ Indoor venues that operate more like outdoor venues because the venue leaves the doors and windows open and the amplified sound impacts residential neighbors.
- ❑ Due to the lack of a dBC limit or SIP for indoor amplified venues, an indoor venue may be operating in compliance with dBA standards, but still causing an unreasonable disturbance with low frequency sound with no legal way to enforce the City Code.
- ❑ OMV permits are included within the City’s general noise requirements (Chapter 9-2), which creates confusion for those attempting to comply and those attempting to enforce City Code requirements.
- ❑ Currently, a low-level employee may be cited for violating the City’s noise and amplified sound requirements.

STEPS

- ❑ Clean-up City Code Chapter 9-2, Austin’s Sound Ordinance:
 - Move permitting procedures in City Code Chapter 9-2 to Title 4 (Business Regulations and Permits).
 - Amend City Code to make venue owners liable for violations.
- ❑ Conduct in-depth acoustical study with consultant and stakeholders to determine:
 - The appropriate dBC low frequency standard level for indoor venues that use amplified sound.
 - Whether a City-wide application of standard(s) is best, or if separate standards for different entertainment districts and areas of the city using specific boundaries for sound levels is recommended.

FOR FUTURE CONSIDERATION

If, after a period of time, the dBC requirement does not resolve issues with venues utilizing amplified sound equipment, then consider creating a more customized system to regulate indoor venues and other fixed place sources of commercial amplified sound (like a sound impact plan or permit requirement) or consider modifying the dBC requirement.

The benefit of a dBC or another low frequency limit in the City Code is that it can be done with limited regulation and without any new permits. A potential disadvantage is the inability to customize the low frequency limit for specific venues and their specific conditions. For example, for a venue that is not near any residential, it may be desirable to allow a higher low frequency limit via creation of a sound impact plan than the standard in code. On the other hand, for a venue that has chronic issues violating the low frequency limit in code, a more restrictive and detailed plan may be appropriate.

Evaluate the new dBC standard in City Code over the first year of implementation and determine if further customization is needed to provide entertainment venues with either additional low frequency allowances or a more restrictive and detailed plan.



SUPPORT NEW AND CURRENT SOUND MITIGATION PROGRAMS

GOAL

- ▣ Provide proactive opportunities for sound mitigation for music and entertainment venues and residents.

CURRENT PROCESS

- ▣ **Economic Development Policy** provides such incentives as rebates, reimbursements, and fee waivers to small businesses, including venues and creative spaces, which frees up working capital for potential sound impact improvements. Programs include:
 - ▣ The Music Venue Loan Program provides low interest loans for most venues to purchase and install upgraded sound system technologies or create architectural solutions to mitigate sound.
 - ▣ The Creative Space Assistance Program provides grants to for-profit live music venues that meet EDD's cultural use definition as a live music venue and are facing displacement. Grants can be used to purchase and install upgraded sound system technologies and mitigation systems to help avoid displacement caused by compatibility issues.
 - ▣ The Music & Entertainment Division has an ongoing budget for field testing sound mitigation solutions to determine best practices and uses for Austin area venues.

CHALLENGES

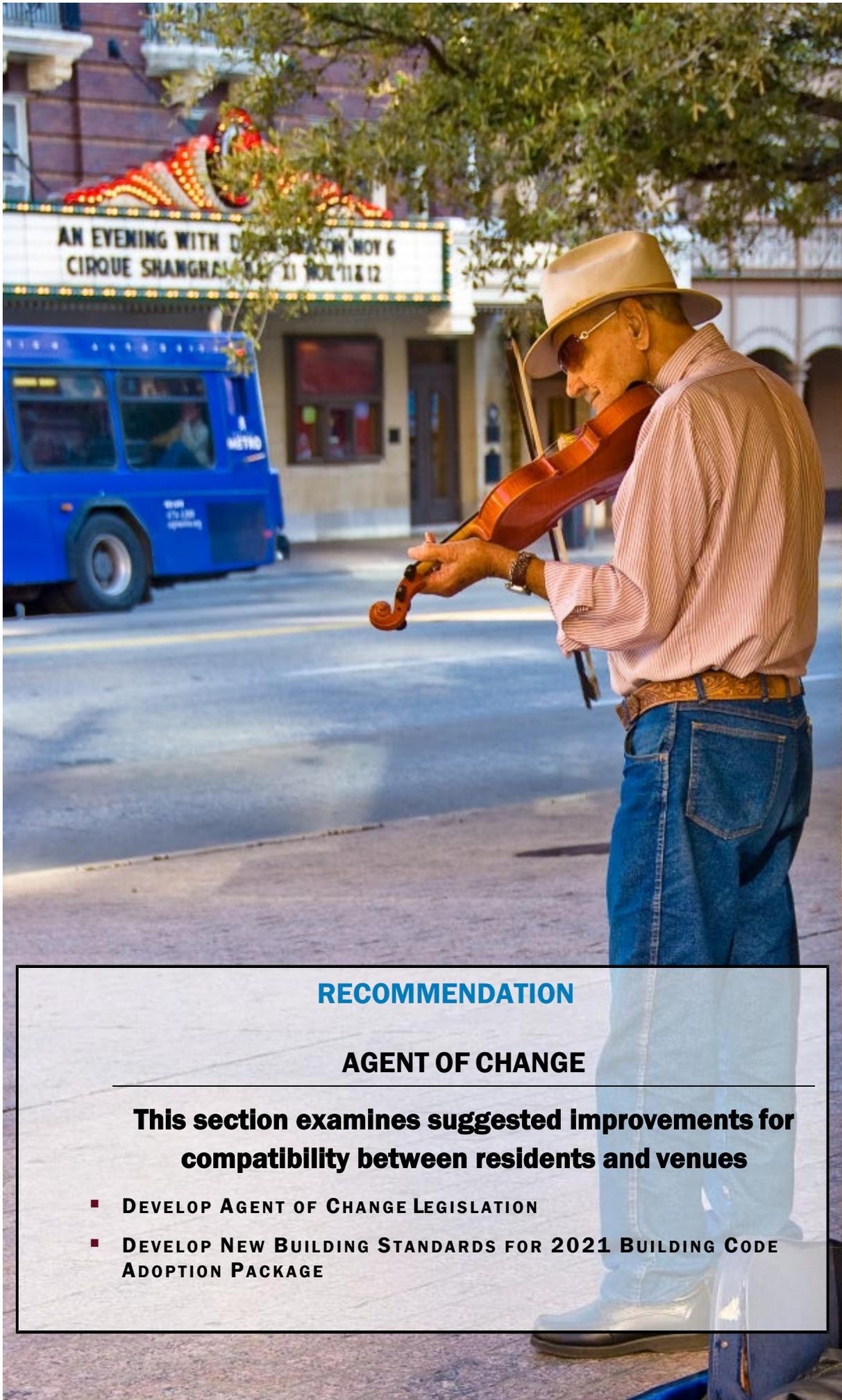
What challenges will this suggested action item address?

- ▣ Many small, grassroots venues rent their buildings, are on short-term leases and don't have the profit margin to borrow for building improvements. Also, changes to the structure of a building requires landowner approval.
- ▣ No existing City program focuses on sound mitigation for residents.

STEPS

- ▣ Continue to identify resources for existing programs, while exploring and proposing updated financing and grant programs to subsidize sound impact solutions for multiple audiences, including venues, developers, and residents.
- ▣ Promote and encourage potential users to utilize EDD's loan and incentive programs.

Survey respondents agree, almost uniformly, that the City should bolster its programs for sound mitigation for both venues and residents.



RECOMMENDATION

AGENT OF CHANGE

This section examines suggested improvements for compatibility between residents and venues

- **DEVELOP AGENT OF CHANGE LEGISLATION**
- **DEVELOP NEW BUILDING STANDARDS FOR 2021 BUILDING CODE ADOPTION PACKAGE**

DEVELOPMENT OF CHANGE LEGISLATION

GOAL

- ▣ Increase compatibility between residential and music and entertainment uses through development process.

CURRENT STATUS

- ▣ Different divisions within the Development Services Department are involved as “entrée points” for new developments to trigger Agent of Change review. Less than 50% of new projects make a stop at the DSD Development Assistance Center. Many projects begin with DSD Land Use Review Division.

CHALLENGES

What challenges will this suggested action item address?

- ▣ There is no current requirement or process for new residential or hotel developments to disclose to their potential owners and residents or guests about nearby entertainment venues, or to design their buildings with higher standards to reduce sound impact from nearby venues.
- ▣ There are no current requirements for an acoustical study or consultation of a property developer in Austin.

There are also no requirements regarding building residential units to a certain sound standard.

- ▣ A voluntary program that reviews compatibility of residential/hotel development and music and nightlife venues will not likely be successful.
- ▣ No notification procedures to alert different divisions about a new development that has been proposed or approved.

STEPS

Prior to Legislative Change:

- ▣ Immediate first step: Conduct additional review for new residential and hotel construction within 600’ of live music and entertainment venues and encourage the developer to procure the services of an acoustical engineer (prior to enacting notice requirements and revising building code requirements).
- ▣ Contact venue owners and developers with projects undergoing the review process to engage in informal conversations about compatibility with all relevant parties.
 - Identify buildings within 600’ of active nightlife venues.
 - The relevant parties would be determined for developments that are currently in review or were submitted within the last one to two years.
- ▣ Resources:
 - The Emerging Projects Report identifies primarily larger downtown projects.
 - GIS mapping from the AMANDA database, the City’s development review permitting system, can identify projects already moving forward.

After Legislative Change:

The following legislative and administrative items will impact developers of residential, hotels and venues.

There are 3 options when Agent of Change policies can be triggered:

- Required construction standard can be triggered when proposed location is within 600' of a venue citywide or
- Required construction standards can be triggered when proposed location is within 600' of a designated Entertainment District (e.g. Red River, Sixth Street, Warehouse) or
- Both.
- Require Developers of New Residential/Hotel/Motel Developments to:
 - Formally acknowledge the presence of venues within 600' of their proposed location and build using construction standards for mitigating sound impact.
 - Conduct a study by an acoustical engineer documenting current sound conditions and prescribing a plan to minimize sound impact to residents in the building from code compliant sound levels.
 - Provide a disclosure to new tenants regarding the locations of venues within 600' of the building when property or individual units sold or leased.
- Require Developers of New Music and Nightlife Venues to:
 - Acknowledge residential and hotels within 600' and take responsibility to mitigate sound impact from the venue.
 - Sound Impact Plan regulates amplified sound from a venue impacting an existing residential/hotel.
 - Provide a disclosure about nearby residential and hotels when venue is sold or leased.
- Role of City Staff:
 - Review residential and hotel development plans and plans for new venues proposed within 600' of each other. Provide recommendations and best practices, as well as facilitate dialogue among stakeholders about sound impacts.

Note: The package of building code changes slated for 2021 should be developed in concert with agent of change legislation, so that they can be as effective as possible to impact future development citywide.



DEVELOP NEW BUILDING STANDARDS FOR 2021 BUILDING CODE ADOPTION

GOALS

- ▣ Update building standards to more accurately reflect Austin’s contemporary environment and sound management needs.

CHALLENGES

What challenges will this suggested action item address?

- ▣ No building standards exist to mandate sound mitigation standards except in the Airport Hazard Overlay.

STEPS

- ▣ Require a sound study of current environmental sound conditions.
- ▣ Require developers to meet a specific building standard for residential/hotel development within 600’ of existing entertainment venues or districts.
- ▣ Prior to 2021 building code adoption, evaluate options such as:
 - Require residential and hotel units meet a 45 dBA standard inside dwelling units based on the outside noise conditions.
 - Require a dBA reduction from outside building to inside unit (consider Austin Land Development Code Chapter 25-13, Art. 3 Airport Hazard Overlay as a model for appropriate standards.)
- ▣ Create a clear definition of an “entertainment or amplified sound venue” identifying venue size, time of operation, and use of amplified sound for purposes of applying this requirement.

RECOMMENDATION

STAKEHOLDER PARTNERSHIPS

**This section examines suggested improvements
build a collaborative alliance**

- **CREATE A NIGHTTIME ECONOMY ALLIANCE**



CREATE A NIGHTTIME ECONOMY ALLIANCE

CURRENT PROCESS

The Red River Extended Hours Pilot program proved that when venues and residents improve communication and build trust, they can work together collaboratively to reduce conflicts and solve problems, while fostering a positive economic environment for venues. While it was a good indicator of success, it also largely depended on personalities and not enough on the stakeholder roles over time.

GOALS

- ▣ Create a sustainable body to provide early assistance and serve an advisory role to City departments, City Manager and City Council on all ongoing nightlife issues.
- ▣ Establish communication and engagement among diverse stakeholders to collaboratively solve ongoing challenges.

CHALLENGES

What challenges will this suggested action item address?

- ▣ Austin lacks a city-wide body that represents and serves as a liaison to entertainment and nightlife stakeholders. Separate alliances for each entertainment district would be inefficient.

STEPS

- ▣ Convene an alliance of individuals representing diverse perspectives.
- ▣ The structure of the alliance could be one or a combination of the following: an informal group, an independent non-profit, or a formal board/commission appointed by City Council.
- ▣ The alliance could serve in one or more of the following ways:
 - **Regulatory:** Authority to oversee licensing and permitting of venues that serve alcohol, food and/or provide entertainment for the public. (Note: Texas law does not currently authorize a city to regulate alcohol. Additionally, this option triggers some other considerations, which would require input from the City Attorney's office.)
 - **Advisory:** Provide advice to elected officials, city managers or others in authority on policy, allocation of resources and trends.
 - **Early Assistance:** Organize data and respond to emerging trends of opportunity for development of hospitality and nightlife or management of risk with education and training, social media and direct intervention in at risk situations.
 - Form sub-committees designed to focus on specific geographic areas under the umbrella of the larger alliance.

RESOURCES

Potential Model for ESG: The City's Existing Music Commission

The Music Commission is an advisory body for City Council. The City staff liaison for the Commission is staff from MED. If the recommendation to move ESG out of EDD is followed, it may be valuable to create an advisory body on policy regarding regulatory and quality of life issues. Survey questions regarding this topic were uniformly supported by all groups.

BACKGROUND

ROLE OF AUSTIN MUNICIPAL DEPARTMENTS IN SOUND MANAGEMENT

ENTERTAINMENT SERVICES GROUP (ESG)

ESG serves as a single point of contact and resource for nightlife establishments and music venues regarding City operating, permitting and City Code requirements and acts as a liaison between venues and various City departments.

While a permittee is in operation, they primarily interact with and form a relationship with ESG staff from the beginning of the process. In general, the current regulation and compliance monitoring of amplified sound from entertainment venues in Austin is handled by the Entertainment Services Group (ESG).

ESG operates under the supervision of the Music and Entertainment Division (MED) of the Austin Economic Development Department (EDD) and in cooperation with the Austin Police Department (APD).

ROLE IN NIGHTLIFE SOUND MANAGEMENT

Night and Weekend Staff

ESG staff serve as a resource in the field for venues, monitor compliance with outdoor music permits, act as a liaison between venues and residents to investigate and solve problems, observe entertainment areas during nighttime hours and raise awareness of emerging issues.

Outdoor Music Venue Permits

The Entertainment Services Group assists Development Services Department with administering, managing and monitoring outdoor music permits for venues and special events to promote compatibility between entertainment venues and residents. They provide consultation and best practices to entertainment venues and events to help them enhance sound quality, reduce sound impacts to neighbors and comply with their permits.

Sound Impact Plans

After receiving a sound permit application, the Entertainment Services Group conducts a Sound Impact Evaluation of the site, including on-site inspections and sound measurements, discussions with nearby residents and business owners, and any additional research to assess potential impacts.

Development Services Department (DSD)

Historically, Austin placed temporary amplified sound permitting with the DSD before the MED was created in 2008-2009. They had the infrastructure to handle applications and cashing. It may have seemed, then, that the natural place for a new fixed place, OMV permit would be DSD. Therefore, DSD became in charge of issuing, revoking and suspending OMV permits.



Austin Center for Events (ACE)

ACE is a collaborative office designed to streamline special event permitting. As of April 2019, the Austin Center for Event (ACE), a co-located, interdepartmental team created to manage events (a “one-stop shop”), became in charge of reviewing outdoor amplified sound requests as part of the larger special event permit with sound impact plan provided by ESG staff.

OUTDOOR MUSIC VENUE (OMV) PERMIT

There is only one type of permit issued for venues that use amplified sound, called an Outdoor Music Venue (OMV) Permit. It is issued by the Development Services Department (DSD). There are no permits issued for other venues (i.e. “indoor” venues) that are not defined as outdoor venues.

MULTI-AGENCY APPROACH

ROLES OF MULTIPLE AGENCIES IN OMVP	
ESG	<ul style="list-style-type: none"> Evaluates venue and context Creates a Sound Impact Plan Administers, manages and monitors outdoor music permits for venues (OMV) and special events
DSD	<ul style="list-style-type: none"> Issues outdoor music permits for venues (OMV) Accountable for suspension and revocation of OMV
ACE	<ul style="list-style-type: none"> Review outdoor amplified sound requests as part of the larger special event permit with sound impact plan provided by ESG staff
APD	<ul style="list-style-type: none"> Enforces OMV permit requirements and all other sound requirements

ENFORCEMENT

Austin Police Department (APD)

As the City’s police agency, APD handles most amplified sound complaints. This responsibility includes complaints related to nightlife venues and special events. Two APD officers, who work daytime shifts, are specifically trained in amplified sound issues (“APD sound officers”).

For complaints received during night hours, APD patrol officers handle amplified sound issues. When responding to an amplified sound (or noise) complaint, APD officers attempt to resolve the issue informally. If the attempt is unsuccessful, then APD is able to issue a citation related to the violation.

SOUND COMPLAINTS AND ENFORCEMENT OPTIONS

Sound complaints are transmitted using the City's 3-1-1 and 9-1-1 systems. Additionally, City Council offices may route constituent complaints to APD sound officers. If a complaint is received through the 9-1-1 system, an APD patrol officer can be dispatched. For complaints at venues, which are routed through the 3-1-1 system, APD sound officers and ESG monitor and investigate the complaints.

For a venue with an OMV permit, City staff send a written communication when a violation is confirmed. Subsequent enforcement options include municipal court prosecutions or administratively suspending/revoking OMV permits. To date, City staff has not suspended or revoked an OMV permit. If a venue without an OMV permit is the subject of a complaint, the enforcement option is a municipal court prosecution.

A municipal court case is initiated when APD issues a citation for violating noise/amplified sound requirements or when City staff files a probable cause affidavit with Municipal Court for violations of noise/amplified sound requirements.

Because a municipal court case is a criminal prosecution, the prosecutor (an assistant city attorney assigned to municipal court duties) must prove that a person violated a particular City Code provision (or state law offense designated as a Class C misdemeanor) beyond a reasonable doubt. If convicted, the punishment is a fine. A defendant may also plead no-contest and pay the fine or enter into a deferral that allows for dismissal of the case if certain conditions are met. This process is used by Austin (and other Texas cities) to enforce a majority of the City Code.

APD's Proposal for Sound Complaints

APD recognizes that current enforcement practices are not remedying current noise and amplified sound issues. APD intends to propose a program in coordination with the Music & Entertainment Division's Entertainment Services Group that focuses exclusively on noise and amplified sound complaints at venues. This proposal establishes regular shifts whereby ESG staff and APD officers will work collaboratively to focus on sound readings and, when appropriate, citations.

Alternative Enforcement Personnel

One option to consider is whether personnel with the Austin Code Department (ACD) are available to handle enforcement issues. Because of limited resources and a lack of staff hired to exclusively night time shifts, ACD does not appear to have the capacity to take on this enforcement.

ESG currently staffs nighttime shifts as part of its regular operations. This staff is available to work on noise/amplified sound complaints but will need assistance from APD.

PROCESS FOR SOUND CITATIONS

The path of sound citations in Austin is long and winding, and does not necessarily impact the correct person, nor end in a consistent nor timely consequence.

Class C Misdemeanors Issued Via Citation

In Texas, violations of this type require the use of Class C misdemeanors handled by the Municipal Court system. Citations are issued to individuals and can create a criminal record that may impact employment, credit rating, and application and renewal for liquor licensing, among other things.

While a best practice in other states would be a civil (administrative) hearing process, it is our understanding that Texas law has not established a civil (administrative) enforcement process for these kinds of violations.

SOUND STANDARDS

CURRENT SOUND ORDINANCE

Overall, the Austin sound requirements are found in City Code Chapter 9-2, Noise and Amplified Sound. This chapter covers all sound issues and noise generators, including amplified sounds from venues. According to the ordinance, “a person may not operate sound equipment at a business that produces sound in excess of 85 decibels between 10:00

a.m. and 2:00 a.m., as measured at the property line of the business; or is audible at the property line of the business between 2:00 a.m. and 10:00 a.m.” There is no limit on dBC (low frequency sound) indicated in the code at this time.

An outdoor music venue must have a permit that includes a sound impact plan (SIP) to ensure that amplified sound is compatible with its environment including existing residential areas. For nightlife venues that are not defined as outdoor, no permit is required. With respect to sound, these operations must abide by the above citywide restriction of 85 dBA.

SOUND MONITORING

In many North American cities, sound monitoring is done by city staff using mobile, hand-held sound meters, calibrated to meet ordinance requirements. Staff respond to complaints and also monitor permitted venues for compliance with permit and ordinance requirements.

In Austin, there are currently three mobile sentinels being used by ESG staff to create SIPs and determine validity of complaints.

A pilot test of affixing sentinels in locations for a period of time with a high concentration of venues is funded for Fiscal Year 2019. However, no specific dates or places have been chosen to date. This would allow online access to real-time sound levels, facilitating longitudinal data collection, as well as transparency and a level of venue self-regulation.

Sentinels are still considered an evolving technology. It is a useful tool for data collection for ambient sound in an area.

In the meantime, sentinels may provide real-time data that will be useful as a self-regulation tool while also serving as a deterrent for sound violations. They are also a visible form of transparency to residents so they know that in general, venues in the area are monitored within sound limits.

PROACTIVE SOUND MITIGATION PROGRAMS

Austin’s Music & Entertainment Division has a robust set of tools and programs that can help both music venues and residents in proximity to sound conflicts.

Music Venue Loan Program

The Music Venue Loan Program provides low interest loans for venues to mitigate sound in the form of upgraded sound system technology or architectural solutions. Sometimes the latter is challenging, as many venues are simply leaseholders and changes to the structure of a building requires landowner approval.

No existing City program focuses on sound mitigation for residents, but MED might investigate how a program that includes financial and technical assistance for soundproofing of residential units might be supported and implemented.

AGENT OF CHANGE

The “Agent of Change” is a policy proposal that focuses on compatibility between entertainment venues and residential/hotel development. In a planning context, the Agent of Change principle is the notion that a party introducing a new use should be responsible for managing the impact of the same, especially when that new use is more sensitive than existing uses around it.

APPLICATION IN AUSTIN

Laws that implement an Agent of Change policy would likely impact both residential and hotel developers, as well as music and entertainment venues. These requirements could be triggered on a registration of an indoor amplified sound venues (provided the City knows where they are located), not just an outdoor venue permit.

After discussion with the Building Official, the most likely opportunity to change building standards would be during the next time the Council adopts the Building Code, which would occur in 2021. Only with code change will developers and new venues be compelled to move through a review process.

Survey results indicate that in general, developers are supportive of accepting a role in mitigating sound impacts so as to protect their projects. They also support a city staff review of their projects to assist with recommendations on best practices and to facilitate conversations with venue owners. They also are supportive of a disclosure requirement compelling them to disclose to new residents and hotel guests about the presence of nightlife venues within 600’.

However, there remains some disagreement on a change in building standards. Venues and residents all support the new requirements that would fall to developers of new hotel and residential buildings.

As for requirements for new venues moving into established residential areas, disclosure is supported by all stakeholders. Determining sound standards for certain entertainment districts and individual SIPs for other venues is heavily supported. As a matter of course, nightlife venues that open in new locations are already obligated through regulatory permits and City Code to mitigate sound impacts. And, due to the Austin Music Office’s healthy support of venues, there are programs already in place to assist venues. Therefore, Agent of Change legislation implies little new burden on venues, but rather can even the playing field overall.

GAPS IN CITY AND STATE BUILDING CODES

There is no current requirement or process for new residential or hotel developments to seek an acoustical consultation or to build to higher standards regarding sound attenuation, nor to disclose to potential residents or guests about nearby entertainment venues.

OTHER CITIES’ LEGISLATIVE APPROACHES

In San Francisco, legislation passed in 2015 requiring developers of both residential and hotel/motel uses planning to build within 300 radial feet of an active entertainment use to move through a set of processes early in the planning and design processes to ensure the greatest compatibility between uses.

A public body, called the Entertainment Commission, is placed in between the developer and the entertainment venue to manage the process. Required steps include community outreach, sound studies and design plans. The Entertainment Commission recommends conditions related to sound mitigation to the Planning Department/Commission, which makes final decisions on entitlements.

London, UK, has similar policies in place, but also applies requirements to new entertainment venues that are building in residential areas.

After studying these examples, Austin presented a policy proposal in 2017. However, no change occurred at that time.

In California, builders must conduct a sound study of existing conditions if the 24-hour average traffic noise is above 60 dBA. This was adopted into California code from International Building Code Standards, and also includes a provision that dwellings must be built to achieve a 45 dBA standard inside.

Properties in the Austin Airport Hazard Overlay (Chapter 25-13, Article 3 of Austin Land Development Code) require similar sound attenuation, so this might be a model to use going forward.

STAKEHOLDER PARTNERSHIPS

RED RIVER EXTENDED HOURS PILOT A MODEL FOR SUCCESS

The City of Austin is committed to a balanced approach to supporting the music ecosystem while meeting the needs of its growing population. A very recent pilot program in the Red River Cultural District was facilitated by ESG and brought venues and residents to the table to find solutions to ongoing sound issues. All reports indicate that complaints were substantially reduced and venues continue to comply with permit conditions on a regular basis. The positive results showed that when venues and residents improve communication and work to understand each other, they can collaboratively reduce conflicts and solve problems.

While ESG capacity is limited, this success could be replicated in other areas of the city with a more sustainable and permanent model of partnership.

BEST PRACTICE MODELS

San Francisco created an Entertainment Commission made up of 7 members who represent stakeholders from the entertainment industry, neighbors, law enforcement, urban planning, and public health. They are a formal city commission and are appointed by the Mayor and the Board of Supervisors to certain terms.

Other cities have more informal partnerships. For more than two decades, cities throughout North America, and more recently in Europe, have formed alliances with a focus on activity and safety in nightlife districts. There are many names including Councils, Coalitions, Hospitality Resource Panels, Commissions, Task Forces, among others, but the function is essentially the same.



GLOSSARY OF TERMS

ACD	Austin Code Department
ACE	Austin Center for Events
APD	Austin Police Department
CSAP	Creative Space Assistance Program
DSD	Development Services Department
EDD	Economic Development Department
ESG	Entertainment Services Group
MED	Music & Entertainment Division
NOV	Notice of Violation
OMV Permit	Outdoor Music Venue Permit
SIP	Sound Impact Plan

Entertainment & Amplified Sound Compatibility Engagement Stakeholder Feedback Summary Report

**City of Austin
Economic Development Department
Music & Entertainment Division**

May 2019

I. Methodology of Community Engagement

II. Community Conversations & Surveys

1. Amplified Sound Compatibility Meeting #1, Best Practices Forum, November 28, 2018
Austin City Hall Council Chambers, 302 West 2nd Street, Austin, TX 78701
2. Amplified Sound Compatibility Meeting #2, Listening Session:, December 5, 2018
Doris Miller Auditorium, 2300 Rosewood Ave, Austin, TX 78702
3. Listening Session Online Survey, December 7–December 14, 2019
4. Amplified Sound Compatibility Proposed Solutions Survey, January 18–February 1, 2019
<https://www.speakupaustin.org/economic-development-sound-compatibility>
5. Amplified Sound Compatibility Meeting #3, February 2, 2019
LZR, 612 West 4th Street, Austin, TX 78701
6. Entertainment Services Group, Music and Entertainment Division Ride Along, February 23, 2019
7. Music and Entertainment Division SXSW Welcome Reception, March 14, 2010
8. Stakeholder Focus Group Meeting, PowerPoint Presentation of Engagement Process and Draft Responsible Hospitality Institute Recommendations, April 4, 2019
9. Sound Compatibility Stakeholder Presentation, April 13, 2019
Austin City Hall Council Chambers, 302 West 2nd Street, Austin, TX 78701
10. Community and Commission Presentations, May 2019

III. Report Contents

1. Sound Compatibility Listening Session and Survey Summary
2. Amplified Sound Compatibility Proposed Solutions Survey Summary
3. Amplified Sound Compatibility Meeting #3 Summary

IV. Appendices

Appendix A: Entertainment-Related Sound Compatibility: Scope of Work

Appendix B: Listening Session Key Themes Chart

Appendix C: First Online Survey Results

Appendix D: Amplified Sound Compatibility Proposed Solutions Survey

Appendix E: Amplified Sound Compatibility Proposed Solutions Survey Analysis

Appendix F: Stakeholder Affiliation Breakdown

Appendix G: Live Music Venues and Sound Compatibility: Spatial Analysis

Appendix H: Focus Group Notes

Appendix I: Sound Compatibility Stakeholder Presentation Q & A

Methodology of Community Engagement

On October 18, City Council passed Resolution 20181018-038 which directed the City Manager to propose programs, rules, and ordinances necessary to improve compatibility between residents, lodging establishments, and music-related businesses so that they may co-exist peacefully and amicably share in Austin's world renowned night time economy and to help live music venues and their communities to grow and prosper together. The Council directs the City Manager to consider stakeholder suggestions and return with a stakeholder-informed proposal within 120 days.

The City of Austin Music & Entertainment Division within the Economic Development Department conducted an outreach and education process through March 2019, to provide opportunities for fellowship and learning while gathering input and priorities to improve compatibility among live music and entertainment venues, residences and hotels. This report summarizes each stage of the outreach and education process. All data collected through stakeholder meetings and surveying was provided to a project consultant to balance the recommended use of best practices with the communities needs and expectations.

Due to the expedited timeline for response to Council and the sensitive nature of resuming discussions from previous engagements, the Music and Entertainment Division solicited for consultant services to provide staff and stakeholders with subject matter expertise. There are a small number of firms that professionally specialize in areas related to nightlife and sound and the responsive team from Responsible Hospitality Institute (RHI) was identified as a potential partner that could provide first-hand experience of best practices from locations facing similar compatibility issues around the world. The group was tasked with engaging locally and bridge a detailed analysis of stakeholder priorities to best inform recommendations for use of best practices or unique solutions to Council.

The engagement and education process kicked-off with a Sound Compatibility Best Practices Forum on Wednesday, November 28, 2018, at City Hall Council Chambers. This virtual panel session featured a series of professionals working in areas of sound compatibility and nightlife in cities across the globe, offering participants an understanding of how peer cities have approached entertainment-related compatibility in Toronto, San Francisco and Brisbane. The session closed with a spotlight on lessons learned and achievements from the Red River Extended Hours Pilot Program, offered by Cody Cowan of the Red River Cultural District and Steven Tomlinson of the North University Neighborhood Association.

A second meeting, the Sound Compatibility Listening Session, was held on December 5, 2018, at the Doris Miller Auditorium, to focus on needs and concerns from the different perspectives of all stakeholders. This open discussion was one of the first times that all stakeholders were collectively assembled to comprehensively discuss thoughts, concerns and observations related to sound compatibility. The meeting was facilitated by subject matter expert, Jocelyn Kane with RHI. Thirty-five members of the community participated. Of those 28% represented residents, 58% were from the live

music and entertainment industry, and 6% represented hotels. An online survey followed to ensure that those stakeholders who could not attend the meeting in person had the opportunity to participate. Fourteen people participated in the survey.

Four major themes emerged from the meeting and survey: **Agent of Change; Compliance and Enforcement; Sound Standards, Monitoring and Mitigation;** and, **Stakeholder Partnerships**. With this information and data collected, the Music and Entertainment division assembled a second, more thorough online engagement that was launched along with a new website for the engagement and education process.

The Amplified Sound Compatibility Proposed Solutions Survey presented all potential solutions gathered from 2017 and 2018 stakeholder meetings and the survey organized each concept within the four identified key theme areas. The survey also provided additional possible solutions offered by RHI. Participants were asked to agree or disagree with each proposed solution in each key area, including any additional suggestions for solutions and the preferred implementation timeline. Two-hundred and thirty-nine people participated in the survey. Of those 57% represented residents, 40% live music and entertainment venues, 2% developers, and 1% hotels.

While stakeholders were helping to sort and prioritize potential solutions, staff coordinated inter-departmental meetings between staff from relevant City departments and RHI. This offered our consultant a better understanding organizational capabilities and challenges in light of the articulated needs and concerns offered by stakeholders through the public meetings and surveys.

Stakeholders were invited to provide additional solutions or thoughts on solutions at the third Amplified Sound Compatibility Meeting at LZR on February 2, 2019. This meeting offered all stakeholders the opportunity to review the results of the online engagement together, understanding the concepts that received consensual support and the forum to continue discussion around possible solutions that were not embraced by all stakeholders. All feedback and data collected during this meeting was included in the report of findings and provided to RHI in support of their work on this exercise.

While the team of consultants paused to review information and begin assembling recommendations, the Entertainment Services Group of the Music and Entertainment division organized a Ride-Along for interested stakeholders. On the evening of February 23, 2019, stakeholders representing neighborhoods and music venues were driven around Downtown Austin to observe in-person how the current City resources and processes are responding to nightlife and sound compatibility challenges. To continue fellowship and the development of communication channels between audiences, all stakeholders were invited to join the City of Austin Music and Entertainment Division SXSW Music Showcase at Sheraton Back Yard on March 14, 2019.

Invitations to all events were sent by David Colligan, Acting Assistant Director of the City of Austin Economic Development Department. Stakeholder meetings and surveys were promoted on the Music & Entertainment website www.atxmusic.org, on social media, and in the Division's electronic newsletter. Staff also reached out to stakeholders with personal invitations. All stakeholder meetings were captured either on video or recorded, and feedback from meetings, surveys, and independent stakeholder communication have been incorporated into this report. Information related to the Entertainment & Amplified Sound Compatibility Engagement can be found at <https://www.speakupaustin.org/economic-development-sound-compatibility>.

Due to scheduling difficulties associated with hosting South by Southwest activities, both internal to the organization and amongst our audience base for this exercise, staff intends to provide draft recommendations to stakeholders for review before final recommendations are presented to Council no later than April 30, 2019. The following pages offer detailed notes and data points collected from the community engagement exercise provided to RHI for influencing final recommendations.

Amplified Sound Compatibility Meeting #1, Best Practices Forum Summary

Austin City Hall Council Chambers, November 28th, 2018

At the first stakeholder meeting, attendees were invited to hear the challenges and solutions of three music cities: San Francisco, USA; Toronto, Canada; and Brisbane, Australia. David Colligan gave the introduction and served as moderator. Panelists included:

- Benjamin Van Houten, Business Development Manager, Nightlife & Entertainment Sector, Office of Economic and Workforce Development, City of San Francisco;
- Mike Tanner, Music Sector Development Officer, Film & Entertainment Industries, City of Toronto; and,
- Frank Henry, Program Delivery Manager Pollution Control , Natural Environment, Water & Sustainability Branch, City Planning & Sustainability Division, Brisbane City Council.

Each panelist gave a short presentation regarding sound compatibility in their region. The panel was presented on screen in Council Chambers with 28 participants attending. The panel discussion was also broadcast live on ATXN and to 195 viewers on Facebook Live. Participants were invited to ask questions using question cards that were handed out at the start of the meeting, and Facebook Live audience members sent in questions electronically. Stakeholders were also invited to write additional comments on easel boards placed at the back of Council Chambers. A community testimonial was given by Steven Tomlinson, Vice President of the North University Neighborhood Association, and Cody Cowan, Executive Director of the Red River Cultural District. Closing statements were delivered by Erica Shamaly, Music & Entertainment Division Manager, City of Austin Economic Development Department. A video of the panel discussion can be found here <http://austintx.swagit.com/play/11282018-720/2/>.



Amplified Sound Compatibility Meeting #2, Listening Session & Survey Summary

Doris Miller Auditorium, December 5, 2018

Facilitated by Jocelyn Kane with Responsible Hospitality Institute (RHI)

Stakeholder engagement kicked off on Wednesday, December 5, 2018, with a Listening Session that included members from neighborhood associations, music venues, night life establishments, real estate industry, and hotels.

The second stakeholder meeting was facilitated by Jocelyn Kane; David Colligan gave the introduction and Erica Shamaly, Music & Entertainment Division Manager, also addressed the participants. Thirty-five people attended. A recording of the session is available at www.SpeakUpAustin.org. Music & Entertainment staff member, Karen Jantsch, served as scribe recording major themes and ideas. Attendees sat in a circle and passed a microphone to express ideas, and comment cards were given to participants to collect additional feedback that was not expressed to the group.

An online survey was also available to stakeholders, which was open through Friday, December 14th. Fourteen people participated in the survey. A breakdown of the Listening Session key themes and the online survey results can be found in the Appendices A and B respectively. The main themes that emerged from the Listening Session and survey are summarized below.

1. **Agent of Change:** Develop local policies for promoting future compatibility between Austinites and the growing nightlife economy.
2. **Compliance & Enforcement:** Improve consistent enforcement of the sound ordinance to promote ongoing compliance.
3. **Sound Standards, Monitoring & Mitigation:** Research and establish amplified sound standards for low frequency bass, increase publicly accessible and real-time sound monitoring, and increase City-led mitigation testing and efforts.
4. **Stakeholder Partnerships:** Build on success of Red River Extended Hours Pilot Program, where venues and residents successfully worked together on agreements and self-regulation, while also considering other community-led groups to serve as problem solvers and advocates.



Stakeholder Questions and Comments (Grouped by Theme):

Agent of Change

- Agent of Change means the responsibility is on the newcomer.
- Can Agent of Change work the other way to put the burden on the venue when a venue moves into a neighborhood?
- Does Agent of Change apply to South Lamar, which is an established neighborhood?
- How can Agent of Change be retroactively effective?
- Agent of Change is about building and what's coming to Austin.
- In the first go-around, the Agent of Change was applied to hotels and venues. It is now expanded to all "pillows".
- The basic concept of Agent of Change is still relevant. The general expectation that incoming land uses will acknowledge and take reasonable measures to respect pre-existing uses.

Compliance & Enforcement

- The sound ordinance is not being enforced. 311 doesn't work. When we call 311, the police aren't always up to speed on regulations. The police need training and familiarity with the ordinances.
- 311 and 911 are useless because the police don't see sound compatibility as a priority.
- When police come out they don't have equipment to document the violation/the call. It's a limitation on neighborhoods.
- Enforcement can be against the wrong people. Some venues receive violations on nights when they don't play music.
- How is enforcement paid for?
- Enforcement was one of our (hotels) number one concerns. A "311" group of our own employees was organized for self-policing. Any time of night we could call that "311" directory specifically on this music issue.
- Neighborhood agreements have helped, but there are still bad actors. The City can monitor sound and make it available on a phone app. It's a way to support individual enforcement.
- The City has allowed us to become adversaries and has dropped the ball. Our city has changed quickly but the government hasn't kept pace. Government has a role to play. There's nothing

wrong with community building but sometimes people aren't good actors. Community building only works when everybody wants to get along.

Sound Standards, Monitoring & Mitigation

- Monitoring sound has its problems. It's difficult to identify where sound is coming from. It can be difficult or impossible to know who the offender is.
- Tools should include Agent of Change, sound monitoring, and enforceable sound standards.
- We need both Agent of Change and sound monitoring tools because Agent of Change only looks forward. Monitoring tools help us with current issues. Keep an open mind about the tools we have available to us.
- City can monitor sound and make available on phone app. It's a way for individual enforcement.
- It's not reasonable to have no sound after a certain hour; that if you open your door and sound comes out, you are in violation.
- Bass is not being measured, but it should.
- Provide more information and access to sound mitigation technologies.

Stakeholder Partnerships

- It's increasingly difficult for venues to survive. We need to look at preservation instead of compatibility. The Red River Pilot demonstrated how venues were good actors in a competitive environment to get an extra hour and work with neighborhoods. It will take compromise on both sides.
- Our whole street got rezoned and caused a lot of heartburn for folks on the east side of my building. We worked out a solution where we don't have to call out police. We are able to police ourselves. Someone in the building calls the Rainey Business Association leader with a complaint. The leader tells the venue to turn the music down. The business coalition polices itself and works with neighbors. Maybe we don't have to rely so much on police but can have agreements.
- My venue is across street from a condo and hotel. The venue was there first. Neighbors have my cell number because I'm head of the neighborhood organization, so people call me directly. Extend an olive branch to your neighbors with your number and make yourself available 24 hours.
- We know what's not working and are interested in what agreements you have worked on and solutions you achieved.
- Venues can regulate their volume. Quality sound doesn't have to be loud.
- Measuring sound is math. During the Red River Pilot we dug into the math and worked with neighbors and the City every day. It allowed for us to have a working relationship and trust one another. Total transparency and accountability helped us trust one another. It can be repeated anywhere.
- Regarding the Red River Pilot, the problem of sound is much better. Occasionally we have a bad night. Sometimes it has to do with humidity, etc. It's usually the base. I feel better. I have someone to contact and it's not the City.

- Residents, hotels and venues need to operate in good faith, and not ignore each other's legitimate needs. They need to be willing to compromise, and to be creative in devising solutions.
- Task Force Potential: Is there an advocate for entertainment districts and businesses? We need a task force to help solve problems. Task Force can be weak without proper representation. For ideas to be accepted, a task force must include an advocate from each district.

Additional Feedback

- Incompatibility is when someone in their house hears noise/music they cannot control.
- Definition of compatibility is not a cookie cutter issue. It's multi-layered. People in condos within 100 feet of bars have different concerns from neighborhoods further away.
- If we come up with a solid outcome and not square off and snipe at one another, we can make an ordinance that will work. We can protect venues from getting sued. Venues don't make enough money to get sued.
- I understand that small businesses are trying to survive. But I should sacrifice my sleep so you can survive? How is that factored into financial impact to the city?
- It is difficult to promote music and regulate it within one city department; it's schizophrenic.
- City resources should be spent to help mitigate sound, such as sound proofing insulation.
- Who is going to pay for that insulation? Will it come out of our property taxes? That's a penalty to home owners. The solution for one is not the solution for the other.
- The missing component to me is the disclosure incentive mandated to developers on residential sound isolation achievement. If they had to disclose this to the buyers, they would invest more in sound isolation and less complaints would be burdened to the businesses.

Amplified Sound Compatibility Proposed Solutions Survey Summary

www.SpeakUpAustin.org January 18–February 1, 2019

A survey proposing solutions constructed around the major themes from the second meeting, survey, and interdepartmental meetings was launched on [SpeakUpAustin.org](http://www.SpeakUpAustin.org) on January 18th. One hundred and eighty-nine people participated in the survey. Respondents represented residents, venues, hotels, and developers. The survey results and analysis are included in Appendix C and D respectively. Stakeholders generally agreed about the following proposed solutions:

- Developer should be required to formally acknowledge the presence of venues located within 600 feet and take responsibility to mitigate sound impact at either the source (venue) or at the receiver (the residential building or hotel).
- Staff should review and approve construction plans of new residential and hotel buildings within 600 feet of existing venues during the development process to offer recommendations, best practices, and facilitated communication with stakeholders about sound impact.
- Information regarding location of nearby venues should be required in disclosures to new owners/lessees when property or individual units are sold or leases.
- Music & Entertainment Division (part of the Economic Development Department) should issue and be the accountable official for permits.
- The City should explore the feasibility of sound enforcement staff in the Economic Development Department (Music & Entertainment Division) that can issue citations and fines.
- The City should conduct a study to determine a standard low frequency (bass) level and determine if standard is applied city wide or customized for designated Entertainment Districts.
- Indoor venues desiring greater bass limits should have the ability to apply for a special permit to allow customized levels determined by a Sound Impact Plan written by the Music & Entertainment Staff.
- The City should conduct a study to determine district-wide sound standard for designated Entertainment Districts. A Sound Impact Plan would continue to set levels for venues outside of designated Entertainment Districts.
- The City should establish a grant program (or expand its loan program) for venue amplified sound mitigation.
- The City should formally establish district by district formal partnerships between venues, district businesses, and residents.
- Council appoints Commission or Advisory panel of entertainment and nightlife stakeholders for improving communication and helping to solve ongoing challenges around amplified sound and other nightlife compatibility issues.

Amplified Sound Compatibility Meeting #3 Summary

LZR, February 2, 2019

Facilitated by City of Austin Volunteers, Isis Lopez and Betsy Woldman

Stakeholder Meeting #3 was held to present feedback from the Proposed Solutions Survey. The survey presented several solution ideas that were informed by the major themes from the previous stakeholder meeting #2, staff meetings with other city departments, and the Listening Session Survey. The Proposed Solutions Survey results are found in Appendix C. Discussion at Stakeholder Meeting #3 was organized around the Proposed Solutions Survey.

Forty-seven participants attended meeting #3. Attendees were divided into two groups to take a deep dive into the survey. Isis Lopez and Betsy Woldman, City of Austin volunteers, facilitated the two group discussions. Staff provided participants with the proposed solutions and the number of participants who agreed or disagreed with each. Stakeholders were asked to give any additional feedback or new ideas regarding the proposed solutions. Recordings of the group discussions are available at www.SpeakUpAustin.org.



Stakeholder Questions and Comments (Grouped by Survey Subject Area):

Agent of Change

Discussion centered around: Confirming the presence of existing venues or residents and hotels; requiring formal acknowledgement of their presence; disclosure about venues or residents and hotels nearby during a sale or lease of property; the responsibility of mitigating sound impact; and the role of potential Entertainment Districts. Comments included:

- Solutions might be impractical to implement; concerned about lawsuits
- 600 feet is a concern. Is probably too short. Could be a liability issue.
- Need to make sure acoustical materials are effective
- Is there a way to distinguish between types of amplified sound: cafes vs. music venues
- Understanding that it is the responsibility of the new person
- Cost of materials is a concern
- Not sure if glass is a good enough material
- Unless the building is completely sealed, no amount of material will help enough
- Doesn't think people can afford to truly sound proof new developments
- What about the existing problem? How will we tackle these?
- To put the cost onto existing music venues is not fair. The majority of the cost should be on the new development
- As a resident, outdoor music is their main concern. Indoor music is not as impactful
- It's much easier to control sound with high directivity speakers
- Line array is not easily controlled; built to spread
- Nook has a system in place that is working very well
- There's a trend of businesses changing ownership and new owners doing minor remodels
- It's a nightmare to navigate the City's permit system
- Should be some liaison beyond the Center for Events
- There should be a designated music group in DSD
- People don't do their homework before they move in
- Need better enforcement and better accountability
- The vast majority of venues do care but the few that don't ruin it for the rest
- In Zilker neighborhood, residential has been there a long time and new venues are moving in.
- What is the policy when residential and commercial build at the same time?
- Don't want to see new sound regulation.
- Single family residential has not been addressed.
- It's getting hard on the little guy.
- Subsidies for sound mitigation for venues and home owners.
- Agent of Change is necessary but not sufficient.
- Is there anywhere the conversation about Agent of Change is taking place other than these meetings, either facilitated by an official source or otherwise (e.g. social media group) or any

public campaign by COA (e.g. television commercials) urging sound professionals and residents to simply be good neighbors? Some issues relating to sound compatibility may be mitigated simply by greater, more open communication.

- Agent of a good option and direction for new development. Enforcement is the key to existing problems.
- Is 600 feet measured horizontally or vertically? Does this measurement account for noise traveling up to high-rise residents?

Compliance and Enforcement

Discussion centered around: Who should enforce compliance—Austin Police Department, EDD's Music & Entertainment Division, or another City department? Comments included:

- The Music Dept. already has staff that can enforce existing problems. Would like to see more movement there.
- Would there be an opportunity to dedicate more staff?
- What obstacles are stopping us from treating music enforcement like parking enforcement?
- Resident is exhausted from calling in. Doesn't want to have to call 311 and 911 all the time. The night guy at EDD doesn't respond fast enough.
- Stepping up enforcement will kill live music.
- 85 decibels is very very quiet. Not all agree.
- Worried about abusive enforcement.
- Processing funnel – dedicated staff could help.
- Look to legality of using code enforcement
- 85 decibels is not the limit in all areas. Some areas are lower.
- Is there an app that can monitor sound in real time?
- Resident has a creek that acts as a megaphone for the music venue. Is louder at her house than the music venue. Has never been in violation of sound ordinance.
- Every month there is a change in the landscape.
- Concerned at where they measure. Are there sound measurements? Are they capturing the sound waves?
- What does "accountable official" mean?
- Music Dept. with the City needs to enforce. APD doesn't have the time.
- Enforcement in Economic Development is a non-starter. Can't have the fox guarding the hen house. Every time we talk about enforcement, we get trumped by the fact that the Economic Development Department sees music venues as hallmark of Austin and they blink.
- Need rigorous enforcement of what's on the books that generates the data to make enforcement plans. Need more data and transparency.
- Bass can feel like it's next door. Low bass is hard to mitigate. Can mitigate bass with equalizer.
- City does not currently measure bass.
- Code should do enforcement.

- Police officer took decibel reading at front door of my venue instead of at the property line as required by law. Enforcement needs to have consistency and play by the rules.
- Need group within Police Department that focuses on this issue alone.
- APD using overtime is a nonstarter.
- Can contract enforcement out to third party.
- Should use decibel meters deployed large scale across city. Can monitor in real time and provide historical data. Used this technology during Red River Pilot and at Austin City Limits Festival.

Sound Standards, Monitoring and Mitigation

Discussion centered around: Low frequency bass limits; conducting a sound study; sound standards for indoor venues; sound monitoring; and funding mitigation programs. Comments included:

- On the surface it seems reasonable but worries that venues that are causing problems get preyed upon over time. Something has to be done physically to the buildings.
- What definition do we use for a venue?
- Is there a standardized way to measure decibels?
- Can the venue owners be required to put canned copy in all their contracts with artists/renters?
- The owners will not always be present. Can there be clear instructions or training to provide sound engineers?
- Requiring a permit for indoor music would be a major barrier.
- Headphones as possible solution. Sound is bleeding from one source.
- Has Austin considered a campaign to educate people?
- Portable sound barriers as a possible solution. Sound diffusers are not unreasonable.
- The Red River Pilot model could be adopted by larger community.
- We need to know what is coming from where.
- The data is most important; we need to see the numbers.
- Need a study on sound impact.
- There are no results on the current plan. We need to get results on current plan and ascribe accountability and identify who is doing well, who needs help and who has no interest in participating in being a good neighbor.
- Neighbors don't have a problem with indoor noise.
- If indoor music doesn't go beyond the wall, we don't care.
- I don't want to ask permission as a bar manager to ask for permission to play live music inside.
- Agent of Change = added burden.
- A grant program needs to be part of the solution.
- Grant money should be available for small locally-owned venues.
- We shouldn't be subsidizing the business.
- Grants should be for both: neighborhoods and venues.
- Developers need to disclose; adds transparency. People need to know they're living in an entertainment district.

- It's the developer's responsibility to decide without added cost.
- When the City looked at construction mitigation for new construction of new venues in 2013, the most effective solution available was very costly and did not mitigate bass sound. So increasing costs is not effective. I'm unsure if technology has advanced on construction materials/methods since that time, but there have been advances in venue sound systems for venues that are effective.
- We need to allocate resources from the general fund to fund mitigation at both venues and residences.
- Venues need to cooperate with data collection on bass situation.

Stakeholder Partnerships

Discussion centered around: Establishing partnerships between venues, entertainment district businesses and residents; establishing a community task force; and a Council appointed commission or advisory panel of entertainment and nightlife stakeholders. Comments included:

- Contrary to solution #3 could/should apply to any kind of stakeholder, not only entertainment and nightlife stakeholders.
- Right now we have designated music districts but we want to create opportunities for other districts, so we need to get ahead of this.
- Partnerships could be a helpful thing. We are all people.
- Warehouse district is perfect for venues (concrete, isolated) but there are restrictions in place that keep venues from moving in.
- Like the idea of a small area/neighborhood task force. Can't have a task force of people that don't show up.
- Is there a way to build in a process to funnel up feedback to the Music Dept?
- Was unaware it was so difficult to sound mitigate buildings.
- Cool to see there could be direct solutions.
- Surprised that when residents do make a call there is no immediate response.
- Repeat offenders are the main issue.
- Is there tracking of offenses?
- Is there an escalation process for repeat offenders? Maybe, they would lose their permit for enough violations.
- Problem spots need dedicated enforcement.
- Do you get back to the people that call? Pleasantly surprised they do this.
- There is a bit of a communication issue for business owners on repeat offenders. Could be a DJ for a night.
- Would be good to have a place for people to note things that have worked well cataloging resources (such as soundproofing).
- Communication failure is breaking the peace. Notification is fine, but if there's no enforcement and regulation in place then it's just an exercise. Eighty percent of customer service is about communication. Need customer service through communication.

- The problem is the 600 foot limitation.
- Task force should represent an area.
- Need a system for community engagement.
- There's a difference between bars and restaurants.
- Task force is a great policy.
- Zoning district changes need public engagement process.
- We are 1 mile away and have no voice.
- Downtown residents need to be represented in any community task force.
- Each council member and the mayor should appoint 2 members to a task force. The task force should meet for 6 months and present their outcome to the full Council.
- No commission or board should review permits.

Additional Feedback

- Do we have data from the cities that participated via video at the first stakeholder meeting regarding Agent of Change, compliance, frequency of complaints, etc?
- At the next meeting have two APD officers present to answer questions.
- I worry that many residents participating are not very representative – tend to be older, more affluent.

Additional correspondence from the Austin Hotel & Lodging Association asks that the City address sound direction expectations; increased frequency of accountability to the permitting guidelines; adding a Dbc weighted limit to the already existing Dba to mitigate the impact of excessive base; suspension of permit for continual violation of permitting; and more effective monitoring and measuring technology to remove the majority of burden from the Austin Police Department.

partnership between residents/venues			
partnership between residents/venues	10		
Preservation instead of compatibility			
promote-regulate in same dept is a problem			
sound monitoring			
Sound monitoring			
sound monitoring			
Sound Monitoring - transparent sound monitoring	4		
sound regulation			
sound standards			
sound standards			
Sound Standards - enforceable sound standards			
sound standards	5		
task force			
task force			
task force	3		
venues should evaluate and reduce own volume			
Zoning			
Zoning	2		

Appendix C: Listening Session Online Survey Results

Question 1:

What does compatibility mean to you? (Examples: parking, sound, safety, etc.)

- Utilitarian approach to high density business and residential planning, where businesses are needs are met to be successful and residents needs are being met to live fulfilling lives.
- Workmanship between all parties.
- I think of compatibility as the ability of two land uses to co-exist near each other without causing unreasonable interference to either use. If either use is generating obnoxious noise, compatibility can be threatened.
- Coexisting peacefully with one party not negatively impacting the life of, or causing a nuisance to the other.
- It means accommodating everyone's needs: the need for sleep, AND the need for live music, for instance.
- During the forum this question was sidestepped by attendees to discuss their complaints.
- To me, compatibility requires an open mind and ear of all parties involved & I did not hear that from the neighborhood associations.
- City ambience noise is the wash of traffic noise, distant construction sawing and the outdoor band playing in the background.
- Level of sound does not disturb sleep or conversation. Parking does not block sidewalks, or make it hard to use driveways or turn street corners. Vibration does not affect walls or windows.
- Sound and parking issues to be lessened in residential neighborhoods. Late nite and early morning sound/noise and parking problems are not compatible for a residential neighborhood.
- It means having different things coexisting in a pleasant way.
- It means an agreed upon solution that everyone can live with.
- The understanding that we can all co-habitate under an environment promoting fun as long as we realize we will have to be compromising in our position.
- Compatibility in this regard means all sides working together. All sides giving up something to achieve well rounded outcome.

Question 2:

What are the necessary components for achieving sound compatibility? (Examples: partnerships, specific programming, technology, etc.)

- The missing component to me is the disclosure incentive mandated to developers on residential sound isolation achievement. If they had to disclose this to the buyers, they

would invest more in sound isolation and less complaints would be burdened to the businesses.

- Chitchat split splatreverse perhap
- Rules, relationships, enforcement.
- First, there needs to be resources for enforcement as even the current ordinances are not being enforced. Bass levels from venues need to be measured and addressed since the low level frequencies are the ones that primarily impact residents. Perhaps sound meters placed on venue properties or random sound audits could help. Possibly make venues that have music read and sign a legal document that they understand the current sound code and they will be fined for noncompliance. Businesses next to pre-existing residential should have a plan to prove they will not be a nuisance. As a homeowner that is being affected by venues that have opened up near my 1978 home, I am not sure how to further try to reduce the sound impact on my end as I have already purchased new windows and planted barrier greenery.
- Good-faith partnerships, and technology, probably are most important.
- In addition to possibilities discussed, it is important to note that bars and music venues are not the only place that sound comes from. As the population increases so does the ambient decibel level (traffic, construction, PEOPLE in general). Placing the burden of sound impact on one industry is short sided and unfair.
- Work with people leading this field to create a positive soundscape transformation for Austin and develop an urban plan that can roll into existing as well as land development criteria.
- Business owners should respond to reasonable complaints in a timely manner. Not all complaints may be reasonable, however. Speaker direction, lower amplitude bass, sound-proofed walls and windows, vestibule doors all help reduce off-site sound levels from venues.
- Rules designed to minimize residential disruption that are ENFORCED!
- First there needs to be an awareness and an understanding of the context of the different element that are involved-- the neighborhood that may consist of residents & businesses, the historic background of that area, and knowing the intentions and aspirations of those who are involved and affected. Second is seeking ways to enhanced and improve the context and environment of those who are involved; or at very least not adversely affecting it. This may involve partnerships, specific programming, technology, and perhaps modifying or even sacrificing some intentions.
- Partnerships, Enforceable Guidelines/Rules, Agreement from Council to act on the Recommendations, and Enforcement.
- Compromise, partnerships, design changes.
- I believe that commitment from true stakeholders is imperative. This commitment in my opinion should be participation in a task force that will bring back a report committed to those groups involved. The commitment comes from the group And is decided by those

participating. The group would listen to citizens input Through citizens communication at each meeting.

Question 3:

What elements of the previous Agent of Change discussion do you feel are still relevant to the discussion around sound compatibility?

- Coyoteugly
- The basic concept -- The general expectation that incoming land uses will acknowledge and take reasonable measures to respect pre-existing uses.
- I still believe that new construction adjacent to an existing venue should try to mitigate sound for residents. Businesses that open up next to existing residential should also be required to have a sound mitigation plan to prove they will not be a nuisance to residents.
- The need for communication, and the use of technologies like The Nook's where they can be used successfully. Also the Red River Pilot showed the importance of trust between parties.
- All of them. It feels as though we are having the same discussions we have had for the past three years at a minimum. I am glad that some groups have seen headway in the partnerships that they have formed, but it still stands that none of the recommendations or formal upgrades to code have passed.
- In the first go-around, the AoC was applied to hotels and venues. It is now expanded to all "pillows."
- Unknown
- The "agent of change" factor is only one element in the broader discussion of where and in what ways amplified music is appropriate. The discussion, from what I know, focused too much on hotels and businesses being impacted by amplified music. Residents in single-family and multi-family housing in many areas of Austin are negatively affected by amplified music and their concerns and interests are not given the weight of hotels and business. Of course, one hotel can represent millions of dollars of investment and can assemble paid representatives to fight for their perceived rights. Residents lack that clout. So, it's relevant but is not focused on where the majority of the problems lie-- with conflicts between residents and venues that have amplified music.
- That the agent of change has the responsibility to conform to the existing environment. And that the City of Austin adopt Agent of Change into its ordinance.
- Agent of change is too broad, and it entails many things involving the city and rules. I don't feel you can pick and choose building standards for "newcomers" and sound components

Question 4:

What is the role of government to assist in achieving sound compatibility. Also, what do you not see as the role of government?

- Zoning and building mandates, and engineered sound isolation in the residential units could be mandated.
- We are we are expressions to the freeiest of em
- Enforcement of current sound code, at a minimum. The new bar that opened near my home chronically violates the noise ordinance between 2-5am and there is no enforcement, even after multiple complaints, due to lack of resources. Bass frequencies need to be addressed properly as that is the primary agitator between residents and venues. I cannot see how the government does not have a role in all aspects of sound compatibility since they are driving and promoting density.
- Government needs to be involved to bring all parties together, ensure that a solution will not only happen but will be enforced, and perhaps assist with laws and technology when needed.
- It is impossible to please everyone. As discussed at the forum, all citizens have different wants when they are speaking as a resident or on behalf a business they have a stake in. The role of the government should be to assure that no one perspective takes precedent over another as both are vital to the livelihood of this city. Most measures up to this point put the burden on businesses. The city should also be encouraging citizens to compromise on their end as well. Noise doesn't bother everyone and the fact that complainers are catered to is frustrating. People act like this is still a small town but it simply isn't anymore.
- Have it built into the land-use plan, parks then get out of the way.
- Government can assist in the research needed to solve problems, with knowledgeable staff or contracts with, say, a research university. Governments sets rules in building code, land development code, and policies. It is not the role of gov't to say what the content of art (music, theater, visual art, dance, etc) should be.
- Protecting the residential neighborhoods.
- Government is meant to aid and protect the welfare and health of the citizenry. In terms of sound compatibility, government should see that music venues can thrive while the public's well-being is not negatively affected.
- To include necessary agreed-upon guidelines into the ordinance, establish penalties for non-compliance and provide enforcement WHEN NECESSARY. I would also expect government to determine the geographic boundaries associated with the various ordinance components (e.g. decibel loudness and hours of operation)
- Bringing all parties involved to the table to work towards a position that both sides can live with.
- Government must agree that it can enforce sound rules over the community.
- The city needs to do their job right now with enforcement. They are not exactly performing this task well. Bass is not being measured, but it should and could be. The Music

Department needs to be more proactive to the existing noise trespass issues existing in the city- whether it is OMVs, bars exceeding sound limits for recorded music with outside decks, and city festivals such as ACL and SXSW that seem to have no sense of boundaries. As the city grows, we all need to be more conscious of what behaviors enhance our quality of life and which detract. The decibel level needs to be lowered, especially as the city grows with more people.

Question 5:

What are the roles of other stakeholders or impacted parties?

- Collaborated to meet individual needs.
- A lesser than latter life.
- Communication, respect.
- Stakeholders should want to foster good relationships with the community and try to decrease impact. They should also comply with current code. Impacted parties should push the government to enforce the current code put pressure on the city to change the ordinances as the needs of our city change.
- Residents, hotels and venues need to operate in good faith, and not ignore each others' legitimate needs. They need to be willing to compromise, and to be creative in devising solutions.
- Stakeholders (from my perspective) are doing their part. They are forced to with the statutes that are already in place-- must get permits, must adhere to enforcement efforts, must change or alter programming, hours, etc.. Perhaps there should not only be a grant program for sound proofing venues, but for residents to retroactively sound proof their homes.
- If a music venue has been in place and a new home, condo or facility is built. The tail shouldn't wag the dog.
- I do not know if the "neighborhood" stakeholders have been representative of "neighborhoods" or of "neighborhood associations." These are two different things. Young folks who enjoy music or who work in the industry are underrepresented in the meetings I have attended.
- Recognition of adjacent conflicts and mitigating/minimizing their impact
- To be involved, open-minded, and willing to work towards solutions and to recognize that sometimes solutions may not be available (it happens).
- To provide input on concerns and ultimate impact to their various communities.
- Their input is important. But they must be forward thinking.

Question 6:

What is the best day and time to attend a stakeholder meeting?

- Week day evenings.
- After work 3_ 5 p.m.
- I'm pretty flexible, but would prefer not to meet on weekends.
- After 6pm during the week or weekends.
- Afternoon/evening unless it's short enough for a one-hour lunch meeting.
- During regular weekday business hours (M-F between 10am and 5pm)
- Daytime.
- Wed. 3pm has worked for me
- Afternoon
- Saturday between 10:00 am and 1:00 pm
- I suggest holding meetings at various times during the day, to allow folks to participate. For example, once during working hours, once after hours, and varying the locations to accommodate folks from various regions of the city.
- Mid-morning. Earlier in the week.
- Tuesday's 3 PM This needs to be a task force with a chair and assistant chair. It has to be formal and recognized as the answer for now. Roberts rules will apply
- late afternoons during the week work fine- on the same day- the 3 PM time on a Wednesday worked well.

Appendix D: Amplified Sound Compatibility Proposed Solutions Survey

KEY THEME:
AGENT OF CHANGE

SUGGESTED SOLUTION IMPACT GRID
-DRAFT SOLUTIONS-

Amplified Sound
Compatibility Engagement

An "Agent of Change" policy places responsibility for compatibility related to amplified sound on the new party, or "Agent" moving into an area with an established use, thereby making them responsible for mitigating sound impact. For example, if a new residential development builds within a certain distance of an existing live music or entertainment venue that is operating within their code allowances, the residential development is the new "Agent" responsible for mitigating sound impact affecting their tenants. If a live music or entertainment venue moves to an area with existing hotels or residential uses, the venue is the "Agent" responsible for mitigating sound impact emanating from their business. Typically these policies may involve elements as pre-build acoustic engineering report recommendations, sound mitigating construction standards, and sales/lease disclosures making tenants aware of nearby activity.

Subject Area	Suggested Solution	Solution Source	1/11-2/2 Survey Results
Residential & Hotel Developers	1. Developer required to formally confirm the presence of existing venues within 600 feet of their proposed location and therefore build using construction standards for mitigating sound impact.	Current stakeholders & 2017 Agent of Change Engagement	<u>Resident:</u> 79% (A) 21% (D) <u>Venue:</u> 92% (A) 8% (D) <u>Hotel:</u> 50% (A) 50% (D) <u>Developer:</u> 17% (A) 83% (D)
	2. Developer required to formally acknowledge the presence of venues located within 600 feet and take responsibility to mitigate sound impact at either the source (venue) or at the receiver (the residential building or hotel).	2017 Agent of Change Engagement Toronto & San Francisco Models	<u>Resident:</u> 88% (A) 12% (D) <u>Venue:</u> 100% (A) % (D) <u>Hotel:</u> 100% (A) % (D) <u>Developer:</u> 67% (A) 33% (D)
	3. Developer required to produce a plan by an acoustical engineer to minimize sound impact from existing venues to residents in their new building. No code requirement to implement plan.	Toronto & San Francisco models	<u>Resident:</u> 78% (A) 22% (D) <u>Venue:</u> 94% (A) 6% (D) <u>Hotel:</u> 50% (A) 50% (D) <u>Developer:</u> 33% (A) 67% (D)
	4. Staff review and approval of construction plans of new residential and hotel buildings within 600 feet of existing venues during the development process to offer recommendations, best practices, and facilitated communication with stakeholders about sound impact.	2017 Agent of Change Engagement; Toronto & San Francisco Models	<u>Resident:</u> 88% (A) 12% (D) <u>Venue:</u> 96% (A) 4% (D) <u>Hotel:</u> 100% (A) % (D) <u>Developer:</u> 67% (A) 33% (D)
	5. Disclosure about venues within 600 feet of residential and hotel developments required when property or individual units are sold or leased.	2017 Agent of Change Engagement	<u>Resident:</u> 81% (A) 19% (D) <u>Venue:</u> 94% (A) 6% (D) <u>Hotel:</u> 100% (A) % (D) <u>Developer:</u> 50% (A) 50% (D)
	6. District Option: Required construction standards triggered by locating in designated Entertainment Districts (Red River, Sixth, Warehouse) OR individual venues outside of districts.	Establishes standardized Entertainment districts (Brisbane model)	<u>Resident:</u> % (A) % (D) <u>Venue:</u> % (A) % (D) <u>Hotel:</u> % (A) % (D) <u>Developer:</u> % (A) % (D)

Subject Area	Suggested Solution	Solution Source	1/11-2/2 Survey Results
Music & Entertainment Venues	1. New venue required to formally confirm existing residents and hotels within 600 feet and take responsibility to mitigate sound impact from venue.	Agent of Change Engagement; Toronto & San Francisco Models	Resident: % (A) % (D) Venue: % (A) % (D) Hotel: % (A) % (D) Developer: % (A) % (D)
	2. Sound Impact Plan regulates additional sound impact from new venue on existing residents and hotel guests.	2017 Agent of Change Engagement	Resident: % (A) % (D) Venue: % (A) % (D) Hotel: % (A) % (D) Developer: % (A) % (D)
	3. Staff review and approval of plans of new venues within 600 feet of existing residents and hotels during the development process to offer recommendations, best practices, and facilitated communication with stakeholders about sound impact.	2017 Agent of Change Engagement; Toronto & San Francisco Models	Resident: % (A) % (D) Venue: % (A) % (D) Hotel: % (A) % (D) Developer: % (A) % (D)
	4. Disclosure about residents and hotels within 600 feet required when venue is sold or leased.	2017 Agent of Change Engagement; Toronto & San Francisco Models	Resident: 74% (A) 26% (D) Venue: 85% (A) 15% (D) Hotel: 100% (A) % (D) Developer: 33% (A) 67% (D)
	5. District Option: Sound standards determined uniformly for designated Entertainment Districts (Red River, Sixth, Warehouse) OR individually by Sound Impact Plan for venues outside of districts.	Formalizing Entertainment Districts (Brisbane model)	Resident: 61% (A) 39% (D) Venue: 68% (A) 32% (D) Hotel: 100% (A) % (D) Developer: 60% (A) 40% (D)

KEY THEME:
COMPLIANCE AND ENFORCEMENT

SUGGESTED SOLUTION IMPACT GRID
-DRAFT SOLUTIONS-

Amplified Sound
Compatibility Engagement

Compliance: Compliance requirements are established through the amplified sound permitting process, which involves two City departments. The accountable City official responsible for suspension and revocation of sound permits is currently with Development Services Department, not the Music & Entertainment Division (MED). MED is responsible for creating Sound Impact Plans for each permit, monitoring compliance, and communicating with other city departments and the public.

Enforcement: Austin Police Department (APD) is the agency currently tasked with amplified sound enforcement. Response to amplified sound complaints is lacking, given that APD patrol officers usually are responding to higher priority calls during the evening hours. Currently, there are no other City Staff with the ability to issue citations dedicated to full-time sound enforcement.

Subject Area	Suggested Solution	Solution Source	1/11-2/2 Survey Results
Compliance Administration	1. Music & Entertainment Division (part of Economic Development Dept) issues and is accountable official for permits.	2017 Agent of Change Engagement	<u>Resident:</u> 68% (A) 32% (D) <u>Venue:</u> 84% (A) 16% (D) <u>Hotel:</u> 100% (A) 0% (D) <u>Developer:</u> 67% (A) 33% (D)
	2. No Change	N/A	<u>Resident:</u> % (A) % (D) <u>Venue:</u> % (A) % (D) <u>Hotel:</u> % (A) % (D) <u>Developer:</u> % (A) % (D)
Compliance Monitoring	1. No Change	N/A	<u>Resident:</u> % (A) % (D) <u>Venue:</u> % (A) % (D) <u>Hotel:</u> % (A) % (D) <u>Developer:</u> % (A) % (D)
Enforcement	1. Using overtime, fund additional Austin Police officers to work at night and be dedicated to responding to sound enforcement issues.	Stakeholders	<u>Resident:</u> 42% (A) 58% (D) <u>Venue:</u> 10% (A) 90% (D) <u>Hotel:</u> 50% (A) 50% (D) <u>Developer:</u> 33% (A) 67% (D)
	2. Fund dedicated sound enforcement staff within the Music & Entertainment Division for issuing citations and fines.	Music Venue Alliance; Responsible Hospitality Institute; San Francisco Model	<u>Resident:</u> 60% (A) 40% (D) <u>Venue:</u> 60% (A) 40% (D) <u>Hotel:</u> 100% (A) 0% (D) <u>Developer:</u> 50% (A) 50% (D)
	3. Fund dedicated sound enforcement staff in another City dept for issuing citations and fines.		<u>Resident:</u> 56% (A) 44% (D) <u>Venue:</u> 22% (A) 78% (D) <u>Hotel:</u> 50% (A) 50% (D) <u>Developer:</u> 83% (A) 17% (D)

2/19/2019

-DRAFT-

KEY THEME:
SOUND STANDARDS, MONITORING AND MITIGATION

SUGGESTED SOLUTION IMPACT GRID
 -DRAFT SOLUTIONS-

Amplified Sound
Compatibility Engagement

Indoor Sound Standards (current process): No permit required, and venues follow the general citywide restrictions of 85 decibels (A-weighted). The City does not regulate low frequency (bass) levels.

Outdoor Sound Standards (current process): An Outdoor Music Venue Permit is required for all outdoor venues and includes a Sound Impact Plan to ensure that the venue is operating within regulation.

Sound Monitoring (current process): Three mobile sound monitors are used City-wide based on complaints and needs.

Sound Mitigation (current process): The Music Venue Loan Program provides low interest loans for venues to mitigate sound impact. Also, the Music & Entertainment Division is testing sound abatement technologies to find effective solutions worth venue investment.

Subject Area	Suggested Solution	Solution Source	1/11-2/2 Survey Results
Indoor Sound Standards	1. Implement temporary low frequency (bass) limit to address most severe sound impact issues; then conduct a study to determine a standard low frequency (bass) level for sound ordinance. Determine if standard is applied City wide or customized for designated Entertainment Districts.	Staff	Resident: 55% (A) 45% (D) Venue: 47% (A) 53% (D) Hotel: 100% (A) % (D) Developer: 83% (A) 17% (D)
	2. Conduct a study to determine a standard low frequency (bass) level. Determine if standard is applied City wide or customized for designated Entertainment Districts.	2017 Agent of Change Engagement; Music Venue Alliance; Stakeholders	Resident: 99% (A) 1% (D) Venue: 80% (A) 20% (D) Hotel: 100% (A) % (D) Developer: 80% (A) 20% (D)
	3. Conduct a study to determine standard low frequency (bass) level with optional permit for customized Sound Impact Plan for venues that want to exceed the standard sound level.	Hybrid sound ordinance & permit model	Resident: 61% (A) 39% (D) Venue: 88% (A) 12% (D) Hotel: 50% (A) 50% (D) Developer: 67% (A) 33% (D)
	4. Don't implement sound standards for indoor venues, but require amplified sound permit for each indoor venue with customized Sound Impact Plan.	San Francisco model	Resident: 46% (A) 54% (D) Venue: 13% (A) 88% (D) Hotel: 100% (A) % (D) Developer: 50% (A) 50% (D)
Outdoor Sound Standards	1. Conduct a study to determine district-wide sound standard for designated Entertainment Districts. Sound Impact Plan continues to set levels for venues outside of designated Entertainment Districts.	Related to district model for Agent of Change	Resident: 59% (A) 41% (D) Venue: 62% (A) 38% (D) Hotel: 100% (A) % (D) Developer: 83% (A) 17% (D)

2/19/2019

-DRAFT-

Subject Area	Suggested Solution	Solution Source	1/11-2/2 Survey Results
Monitoring	1. Install permanent sound monitors with publically accessible real-time sound data in locations with high concentrations of entertainment venues.	Staff; Music Venue Alliance; Stakeholders	<u>Resident:</u> 67% (A) 33% (D) <u>Venue:</u> 42% (A) 58% (D) <u>Hotel:</u> 100% (A) 0% (D) <u>Developer:</u> 50% (A) 50% (D)
Mitigation	1. Grant program for venues to address sound impact and mitigation (i.e. sound system technology, architectural solutions).	Staff; Stakeholders	<u>Resident:</u> 75% (A) 25% (D) <u>Venue:</u> 90% (A) 10% (D) <u>Hotel:</u> 50% (A) 50% (D) <u>Developer:</u> 50% (A) 50% (D)
	2. Grant program for residents to add sound mitigation enhancements to their dwellings (i.e. acoustical treatments).	Stakeholders	<u>Resident:</u> 58% (A) 42% (D) <u>Venue:</u> 81% (A) 19% (D) <u>Hotel:</u> 50% (A) 50% (D) <u>Developer:</u> 17% (A) 83% (D)

The Economic Development Department currently fosters relationships between live music and entertainment venues and districts, entertainment related businesses, and residents/hotel to build trust and ongoing communication.

Subject Area	Suggested Solution	Solution Source	1/11-2/2 Survey Results
All Stakeholders	1. Establish permanent partnerships between venues, Entertainment District businesses, and residents to regularly communicate about ongoing issues.	Stakeholders	<u>Resident:</u> 70% (A) 30% (D) <u>Venue:</u> 86% (A) 14% (D) <u>Hotel:</u> 100% (A) 0% (D) <u>Developer:</u> 50% (A) 50% (D)
	2. Establish Community Task Force to support implementation of amplified sound compatibility final recommendations and workplan.	Stakeholders	<u>Resident:</u> 55% (A) 43% (D) <u>Venue:</u> 51% (A) 49% (D) <u>Hotel:</u> 100% (A) 0% (D) <u>Developer:</u> 60% (A) 40% (D)
	3. Council appoints Commission or Advisory panel of entertainment and nightlife stakeholders for improving communication and helping to solve ongoing challenges around amplified sound and other nightlife compatibility issues.	Responsible Hospitality Institute	<u>Resident:</u> 70% (A) 29% (D) <u>Venue:</u> 66% (A) 34% (D) <u>Hotel:</u> 100% (A) 0% (D) <u>Developer:</u> 75% (A) 25% (D)

Appendix E: Amplified Sound Compatibility Proposed Solutions Survey Analysis

239 responses total

Survey Findings

Agreement among all stakeholders:

Agent of Change

The developer of a new residential building be required to formally acknowledge the presence of venues located within 600 feet, and take responsibility to mitigate sound impact

City Staff should review/approve developer plans during the pre-build development process, provide recommendations for best practices, and facilitate dialogue with stakeholders

Information regarding location of nearby venues should be required in disclosures to new owners/lessees when property or individual units are sold or leased

Sound Standards

The City conduct a study to determine appropriate low frequency limits to include in City Code.

Indoor venues desiring greater bass limits should have the ability to apply for a special permit to allow customized levels determined by a Sound Impact Plan written by the Music & Entertainment staff.

The City should conduct a study and determine uniform amplified sound standard levels for Entertainment Districts currently defined in code (Red River, Sixth Street, Warehouse)

Compliance & Enforcement

The Economic Development Department (Music & Entertainment Division) should issue sound permits and assume the role of "accountable official"

The City should explore the feasibility of sound enforcement staff in the Economic Development Department (Music & Entertainment Division) that can issue citations and fines.

Sound Mitigation

The City should establish a grant program (or expand its loan program) for venue amplified sound mitigation

Stakeholder Partnerships

The City should formally establish district by district formal partnerships between venues, district businesses, and residents.

Overall agreement (with disagreement from one stakeholder group)

Agent of Change

During the pre-build development process the city require a study from an accredited acoustical engineer prescribing a plan to minimize sound impact to residents in the building (Developers)

The city should specify and require building standards for new residential and hotel developments to be built within 600 feet of any existing venue. (Developers)

When a venue is sold or leased, the seller should be required to disclose to buyer that residents and/or hotels are within 600 feet of the venue (Developers)

Sound Standards

The city should implement a temporary low frequency (bass) sound limit to address the most severe amplified sound impact to residents (Venues)

Sound Monitoring

The City should install permanent sound monitors with publicly accessible real-time sound level data in areas with a concentration of live music and entertainment venues (Venues)

Mitigation Grants/Loans

The City should establish a grant and/or loan program for residential amplified sound mitigation. (Developers)

Stakeholder Partnerships

The City should establish an alliance, commission, or advisory panel of stakeholders to improve communication and solve ongoing challenges around amplified sound, entertainment, and the nighttime economy. (Venues)

Survey Data

Agent of Change

Q4 1. Should the developer of a new residential building be required to formally acknowledge the presence of venues located within 600 feet, and take responsibility to mitigate sound impact at either the source (venue) or at receiver location (residential building)?

	Agree		Disagree		
Resident	121	90%	13	10%	134
Venue	95	100%	0	0%	95
Hotel	2	100%	0	0%	2
Developer	4	67%	2	33%	6
Combined	222	94%	15	6%	237

(5) 1a. During the pre-build development process, should the city require a study from an accredited acoustical engineer prescribing a plan to minimize sound impact to residents in the building?

	Agree		Disagree		
Resident	112	84%	22	16%	134
Venue	92	97%	3	3%	95
Hotel	1	50%	1	50%	2
Developer	2	33%	4	67%	6
Combined	207	87%	30	13%	237

(6) 1b. Should City Staff review / approve developer plans during the pre-build development process, provide recommendations for best practices, and facilitate dialogue with stakeholders?

	Agree		Disagree		
Resident	119	91%	12	9%	131
Venue	92	98%	2	2%	94
Hotel	2	100%	0	0%	2
Developer	4	67%	2	33%	6
Combined	217	93%	16	7%	233

(7) 1c. Should information regarding location of nearby venues be required in disclosures to new owners/lessees when property or individual units are sold or leased?

	Agree		Disagree		
Resident	115	86%	19	14%	134
Venue	92	97%	3	3%	95
Hotel	2	100%	0	0%	2
Developer	3	50%	3	50%	6
Combined	212	89.5%	25	10.5%	237

(8) 1d. Should the city specify and require building standards for new residential and hotel developments to be built within 600 feet of any existing venue? Examples include: Required interior unit sound limits, decibel reduction from outside to inside the building, and sound mitigating building construction standards.

	Agree		Disagree		
Resident	111	84%	21	16%	132
Venue	88	94%	6	6%	94
Hotel	1	50%	1	50%	2
Developer	1	17%	5	83%	6
Combined	201	86%	33	14%	234

(11) 1. When a venue is sold or leased, should the seller be required to disclose to buyer that residents and/or hotels are within 600 feet of the venue?

	Agree		Disagree		
Resident	106	80%	26	20%	132
Venue	81	86%	13	14%	94
Hotel	2	100%	0	0%	2
Developer	2	33%	4	67%	6
Combined	191	82%	43	18%	234

(12) 1a. Should venues located in the three Entertainment Districts defined by code be regulated by blanket amplified sound limits? (Red River, Sixth Street, Warehouse) OR individually by Sound Impact Plan, as are venues outside of coded districts?

	Agree		Disagree		
Resident	76	64%	42	36%	118
Venue	64	75%	21	25%	85
Hotel	2	100%	0	0%	2
Developer	3	60%	2	40%	5
Combined	145	69%	65	31%	210

Permitting

(18) 1. Should the Economic Development Department (Music & Entertainment Division) issue sound permits and assume the role of “accountable official”?

	Agree		Disagree		total #
Resident	92	74%	33	26%	125
Venue	78	85%	14	15%	92
Hotel	2	100%	0	0%	2
Developer	4	67%	2	33%	6
Combined	176	78%	49	22%	225

Enforcement

(21) 1. Should the city fund overtime evening shifts for APD officers to respond in real time to sound violations?

	Agree		Disagree		
Resident	45	34%	87	66%	132
Venue	10	11%	83	89%	93
Hotel	1	50%	1	50%	2
Developer	2	33%	4	67%	6
Combined	58	25%	175	75%	233

(24) 2. Should the City explore the feasibility of sound enforcement staff in the Economic Development Department (Music & Entertainment Division) that can issue citations and fines?

	Agree		Disagree		
Resident	75	58%	54	42%	129
Venue	59	63%	35	37%	94
Hotel	2	100%	0	0%	2
Developer	3	50%	3	50%	6
Combined	139	60%	92	40%	231

(27) 3. Should the City fund dedicated sound enforcement staff in another city department that can issue citations and fines?

	Agree		Disagree		
Resident	56	44%	70	56%	126
Venue	12	13%	80	87%	92
Hotel	1	50%	1	50%	2
Developer	5	83%	1	17%	6
Combined	74	33%	152	67%	226

Sound Standards

(30) 1. Should the city implement a temporary low frequency (bass) sound limit to address the most severe amplified sound impact to residents, while conducting a comprehensive study to determine the appropriate permanent low frequency (bass) limits in our city code?

	Agree		Disagree		
Resident	63	47%	70	53%	133
Venue	32	35%	60	65%	92
Hotel	2	100%	0	0%	2
Developer	5	83%	1	17%	6
Combined	102	44%	131	56%	233

(32) 1a. Before implementing any specific or temporary low frequency (bass) limit, should the City conduct a study to determine appropriate low frequency limits to include in City Code?

	Agree		Disagree		
Resident	84	64%	47	36%	131
Venue	75	82%	17	18%	92
Hotel	2	100%	0	0%	2
Developer	4	80%	1	20%	5
Combined	165	72%	65	28%	230

(33) 1b. Should indoor venues desiring greater bass limits have the ability to apply for a permit to allow customized levels determined by a Sound Impact Plan written by Music & Entertainment staff?

	Agree		Disagree		
Resident	87	66%	44	34%	131
Venue	79	88%	11	12%	90
Hotel	1	50%	1	50%	2
Developer	4	67%	2	33%	6
Combined	171	75%	58	25%	229

(36) 2. Should the City require an amplified sound permit for indoor venues with a customized Sound Impact Plan?

	Agree		Disagree		
Resident	48	38%	80	63%	128
Venue	7	8%	82	92%	89
Hotel	2	100%	0	0%	2
Developer	3	50%	3	50%	6
Combined	60	27%	165	73%	225

(39) 1. Should the City conduct a study to determine uniform amplified sound standard levels for Entertainment Districts currently defined in code (Red River, Sixth Street, Warehouse)?

	Agree		Disagree		
Resident	82	65%	45	35%	127
Venue	65	71%	27	29%	92
Hotel	2	100%	0	0%	2
Developer	5	83%	1	17%	6
Combined	154	68%	73	32%	227

Mitigation Grants/Loans

(42) 1. Should the City establish a grant program (or expand its loan program) for venue amplified sound mitigation (ie. sound system technology, architectural solutions)?

	Agree		Disagree		
Resident	101	78%	29	22%	130
Venue	87	93%	7	7%	94
Hotel	1	50%	1	50%	2
Developer	3	50%	3	50%	6
Combined	192	83%	40	17%	232

(45) 2. Should the City establish a grant and/or loan program for residential amplified sound mitigation (i.e. building insulation)?

	Agree		Disagree		
Resident	83	66%	43	34%	126
Venue	81	86%	13	14%	94
Hotel	1	50%	1	50%	2
Developer	1	17%	5	83%	6
Combined	166	73%	62	27%	228

Monitoring

(48) 1. Should the City install permanent sound monitors with publicly accessible real-time sound level data in areas with a concentration of live music and entertainment venues?

	Agree		Disagree		
Resident	86	67%	42	33%	128
Venue	54	59%	38	41%	92
Hotel	2	100%	0	0%	2
Developer	3	50%	3	50%	6
Combined	145	64%	83	36%	228

Stakeholder Partnerships

(51) 1. Should the City formally establish district by district formal partnerships between venues, district businesses, and residents?

	Agree		Disagree		
Resident	93	74%	33	26%	126
Venue	81	88%	11	12%	92
Hotel	2	100%	0	0%	2
Developer	3	50%	3	50%	6
Combined	179	79%	47	21%	226

(54) 2. Should the City facilitate the creation of a community-based task force to support implementation of sound compatibility project recommendations and work plan?

	Agree		Disagree		
Resident	58	46%	67	54%	125
Venue	29	32%	62	68%	91
Hotel	2	100%	0	0%	2
Developer	3	50%	3	50%	6
Combined	92	41%	132	59%	224

(57) 3. Should the City establish an alliance, commission, or advisory panel of stakeholders to improve communication and solve ongoing challenges around amplified sound, entertainment, and the nighttime economy?

	Agree		Disagree		
Resident	76	62%	47	38%	123
Venue	37	40%	55	60%	92
Hotel	2	100%	0	0%	2
Developer	5	83%	1	17%	6
Combined	120	54%	103	46%	223